



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

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Revised Staff Report and Recommendation of Approval to the Design Commission

CASE FILE: LU 16-184524 DZM; PC # 16-106400
Ankeny Apartments

REVIEW BY: Design Commission

WHEN: January 19, 2017, 1:30pm

WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Grace Jeffreys / 503-823-7840
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NOTE: Changes from the January 5, 2017 staff report are boxed.

GENERAL INFORMATION

Applicant: Brian Durban, YGH Architecture
707 SW Washington St., Suite 1200, Portland OR 97205

Owner: Landon K Crowell
1122 SE Ankeny St., Portland, OR 97214

Site Address: **1122 SE ANKENY ST**

Legal Description: BLOCK 238 W 34' OF LOT 7&8, EAST PORTLAND; BLOCK 238 S 30' OF E 66' OF LOT 7, EAST PORTLAND

Tax Account No.: R226515860, R226515880

State ID No.: 1N1E35CD 03600, 1N1E35CD 03900

Quarter Section: 3031

Neighborhood: Buckman, contact Zachary Brooks at 503-482-8252.

Business District: Central Eastside Industrial Council, contact Debbie Kitchin at ceic@ceic.cc.

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: Central City - Central Eastside

Zoning: **EXd**, Central Employment (EX) with Design (d) overlay

Case Type: **DZM**, Design Review (DZ) with Modification (M) requests

Procedure: **Type III**, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant seeks Design Review approval for a new 5- to 6-story, approximately 70' tall, seventeen (17) unit apartment building in the Central Eastside Subdistrict of the Central City Plan District. Located on a unique "L" shaped, 5,380 SF site, the ground floor contains retail and service spaces fronting SE Ankeny, and a residential unit fronting SE 12th. Fifteen (15) long-term

bike parking spaces are proposed in two secure rooms on the ground floor; the remaining thirteen (13) required long-term bike spaces will be located within the units. Flow-through stormwater planters are proposed at ground and second levels. Proposed materials include: white textured plaster skim coat and steel panels at the ground floor, flat-lock zinc panels in two sizes and 3-coat plaster render above, stainless steel cable mesh, aluminum-clad windows, and solar panels. Additional reviews are requested:

A Modification is requested to *Long-term Bike Parking Standards* (33.266.220):

- To reduce the required bike parking spacing from 2'-0" to 1'-6" for 11 vertically hung spaces in the ground floor secure rooms; and,
- To reduce the rack requirement of a high security, U-shaped shackle lock spanning the frame and one wheel, to allow the u-lock to reach just one wheel for the in-unit racks.

An Exception is requested to *Window Projections into the Right-of-Way* (OSSC/32/#1)

- To increase the maximum width of the oriel projections from 12' to: 15'-9.5" on SE Ankeny, and 14'-8" on SE 12th.

Design review is necessary because the project proposes new development within a design overlay zone, per section 33.420.041 of the Portland Zoning Code.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33 of the Portland Zoning Code. The relevant approval criteria are:

- Central City Fundamental Design Guidelines
- Special Design Guidelines for the Design Zone of the Central Eastside District
- Modifications Through Design Review, 33.825.040

ANALYSIS

Site and Vicinity:

The proposal is located on a 5,380 SF square foot, "L" shaped site located in the Central City Plan District, within the Central Eastside Subdistrict. The site is comprised of two mid-block lots with abutting rear lot lines. The lot fronting SE Ankeny contains a one and one-half story house constructed in 1903 which is proposed to be demolished. The lot fronting SE 12th currently sits vacant.

The site wraps two lots on the corner not owned by the applicant, both of which contain houses constructed in 1904. The remaining 3 lots south of the site along SE 12th contain houses that have been identified as having potential historical and architectural significance, and are listed on the City of Portland's Historic Resource Inventory (HRI). 135, 127 and 121 SE 12th were all built in 1894 & 1895, and were constructed in the Queen Anne Vernacular style.

The site is bordered by SE 12th Avenue [Transit Access Street, Traffic Access Street, City Bikeway, City Walkway, and Community Corridor] and SE Ankeny Street [City Bikeway and Local Service for other modes of transport], and is not located in a pedestrian district. The site is conveniently located close to bus routes along SE 11th and SE 12th, and N Burnside and NE Couch. Ankeny Street and 12th Avenue both begin to drop in elevation as they head West or South; however, they do so at a relatively equal rate, creating similar elevations for both mid-block street elevations of the site.

This site has excellent mass transit proximity. Three bus lines run east along Burnside and inversely west on Couch, just one and two blocks away respectively. A bus line also runs north on 12th Avenue with a stop one block away, and south on 11th Avenue with a stop less than a block away. The streetcars on Grand and MLK are also only six and seven blocks to the west.

The area around the site contains a mix of residential building types, from long existing single-family dwellings (some of which have been converted into business uses), to newer multi-story mixed-use housing buildings. The later becoming the dominant new development in the immediate area as the housing demand in Portland increases and available land decreases, with four new multi-unit residential buildings a block away. The site is a block south of the Burnside and Sandy intersection, an area with a revitalized and lively commercial presence that continues west along both Burnside and Couch.

Zoning:

The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of this plan district.

Land Use History: No prior land use reviews were found.

Agency Review: A “Request for Response” was mailed **August 10, 2016**. The following Bureaus have responded with no issues or concerns:

- **Fire Bureau** (Exhibit E.1)
- **Site Development Section of BDS** (Exhibit E.2)
- **Life Safety Section of BDS** (Exhibit E.3)
- **Water Bureau** (Exhibit E.4)
- **Bureau of Environmental Services** (Exhibit E.5a and E.5b)

The **Bureau of Parks-Forestry Division** responded with the following comments related to permitting (Please see Exhibit E-6 for additional details):

Proposed Street Tree Removal and Required Mitigation (11.50.040). Based on the proposed development it appears that a pear tree adjacent to 113 SE 12th Ave is proposed for removal. Since this tree is partially or wholly adjacent to 113SE 12th Ave, written permission from this properties’ owner is needed to permit removal. Due to the species and condition of the tree no mitigation will be required if the tree is permitted to be removed.

Land Use Staff note: *The revised proposal has been revised to preserve this Pear tree.*

The Bureau of Transportation Engineering responded twice, culminating with the following comments (Please see Exhibit E.7a and E.7b for additional details):

Oriel Window: The project includes window projections along/over the site’s SE Ankeny and SE 12th Ave frontages. These projections must be review pursuant to the BDS Code Guide – Window Projections into Public Right-of-Way (OSSC/32/# 1). The applicant has submitted adequate information for the City’s review of the projections – all dimensional limitations are satisfied except one; the applicant is seeking an exception to the 12-ft wide maximum width limitation. The proposed 15’-9.5” projection over SE Ankeny and the proposed 14’-8” projection over SE 12th Ave are acceptable to PBOT – given the angled projection of both windows, the overall impact of the additional widths is minimized.

Utility Vault Location: The applicant has indicated early communications with PGE about the proposed building’s power needs. PGE is generally supportive of a pole-mounted transformer, in this case. Accordingly, no below grade transformer vault is necessary and no further review from PBOT is warranted.

PBOT has no objections to the proposed (design review for this) project.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 8, 2016. A total of two written responses were initially received from either the Neighborhood Association or notified property owners in response to the proposal:

- Jeff Burns, 9/18/16, stating concerns with the proposal, including: Zero lot-line setbacks on all sides, 50+ height and massing in relation to adjacent houses, quality of the visible side walls, safety of driveway access on both streets, activeness of frontages, concern with solar panel cladding, and the lack of applicant’s engagement with neighbors and neighborhood association (Exhibit F.1).
- Mary Roberts and Michael J. Beglan, 9/27/16, Stating concerns regarding the relation to the adjacent neighborhood and context, the scale of the proposal, and the safety of pedestrians on adjacent sidewalks (Exhibit F.2).

At the September 22, 2016 hearing, seven (7) neighbors signed up for public testimony noting opposition of the proposal, and three (3) people signed up for public testimony noting support of the proposal, including the owner, his construction manager, and a person living at NE 155th. Additional written testimony was received from

At the December 1, 2016 hearing, three (3) neighbors testified in opposition of the proposal, and two (2) people testified in support of the proposal, including the owner and his construction manager.

At the January 5, 2017 hearing, five (5) neighbors testified in opposition of the proposal, and two (2) people testified in support of the proposal, including the owner and his construction manager.

Procedural History:

The first Design Review (DZ) hearing was held on October 6, 2016. The Staff Report recommended denial. The Design Commission advised that a Design Advice Request hearing prior to submitting for Design Review would have been very helpful given the unusual shape and size of the site, as well as the extreme juxtaposition with the existing context.

The Commission commended the ambitious goal of Net Zero energy; however, they had major concerns that numerous aspects of the proposal did not yet meet the design guidelines, including:

1. *Design Guidelines* A3, A4, A5, C3, C3-1, C3-2, C4, C5, Massing, compatibility, and coherency – With the large 6-story height and massing tight to the property lines, there is too much bulk for the small “L” shaped site, and with numerous, competing angled elements, the composition needs simplification.

2. *Design Guidelines A1, A2, A2-1, A5-2, A5-5, A8, B1, B2, B3, B4, B5, B7, C1-1, C5, C6, C8, C9*, Ground floor activation – With the ground floor compromised by the parking, it is not active enough to contribute to the streetscape.
3. *Design Guideline C2*, Quality and permanence – With the exposed CMU and wood siding, the cladding does not meet quality and permanence requirements.

After the first hearing, changes made included: increase of active use on the ground floor by removing the parking, removal of one story from the SE 12th Avenue tower; addition of notches to the sidewalls to help reduce bulk; and replacement of wood and CMU materials with more permanent materials, including stucco.

The second Design Review (DZ) hearing was held on December 1, 2016. The Staff Report again recommended denial. The Design Commission once again commended the ambitious goal of Net Zero energy. The Commission supported the replacement of the ground floor parking with more active uses and the replacement of the wood and exposed CMU with more durable and quality materials. However, the Commission felt the following aspects of the proposal still did not yet meet all the design guidelines, including:

1. *Design Guidelines A4, A5, C3-1, C3-2, C4, C5*, Massing, compatibility, coherency - There was a lot of discussion regarding height, massing, scale and bulk. The Commission was split as to whether with compositional changes the proposed height might be reasonable. However, all Commissioners had concerns with the bulk, scale, and massing of the proposal:

- a. The 12th Avenue facade needed to be a better neighbor to the immediately adjacent residential scale of the block.
- b. The oriel windows were generally supported, but the configuration must better relate to the context. Considering a broader, bigger move for the oriels.
- c. The bulk of the massive side walls need to be mitigated on-site rather than on adjacent property (landscaping mitigation currently shown on neighbor’s property).
- d. The non-street frontage walls can't be the side/back walls that they are currently designed as.
- e. The open stairwell will have significant impact on neighbors, especially the lighting. Design for subtlety and low-wattage.

2. *Design Guideline C5*, Coherency - Consider a quieter building which provides a background to the context, rather than highlighting itself.

- a. The street elevation on 12th needed further resolution.
- b. The oriels were too much of a departure to relate to existing context, and appear to be arbitrary/random. The Commission would like the design to be more consistent with the neighborhood. It’s a stretch to say that that the asymmetric steeply pitched wall of the solar panels corresponds to the adjacent Queen Ann homes.
- c. The sidewalls need further resolution and mitigation, as they are very visible.
- d. The small inset balconies are deep and appear dark. Consider Juliette’s which would provide more light into the spaces and better views.

3. *Design Guideline C2*, Quality and permanence – The shiny metal cladding will have a negative impact on neighbors.

After the second hearing, changes made included: setting back the wall face on SE 12th Avenue 4 feet and widening and lowering the oriel window projection one level (Exhibit C9); change of some material on the side wall elevations (Exhibit C.13); replacement of the clear anodized metal panels with zinc; and revision of the long-term bike parking strategy. However, no significant changes

were made to reduce the perceived scale, bulk and massing of the large side walls, which constitute most of the proposal.

The third Design Review (DZ) hearing was held on January 5, 2017. The Staff Report recommended approval. The Commission, however, found that this proposal still did not yet meet *Design Guidelines C2, C3-2, C4, and C.5*. The Commission reiterated that DAR would have been a great opportunity to inform the pro-forma before carrying on so far with the Design Review process.

At the hearing, the Commission found that the modest size and the unusual shape of the lot combined with this proposal to develop to development standard allowances created large-scaled internal property line walls will have an unacceptable impact on the surrounding context. The Commission noted that while some of the guidelines have been addressed, others have not been because the bulk of the program is simply too big for this site. Therefore, due to the lack of substantive changes to the massing, scale and bulk of the sidewalls; the open stairwells; and the extent of metal cladding.

Following the hearing, staff also found that some aspects of *Design Guidelines A4, A5, and C3-1* may not yet be met due to the massing, scale and bulk, as well as the metal panel cladding. Refer to the Findings below for further detail.

ZONING CODE APPROVAL CRITERIA

(1) Design Review (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055, Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district’s heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district’s personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each

area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central Eastside Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A2-1. Recognize Transportation Modes, Produce, and Commerce as Primary Themes of East Portland. Recognize and incorporate East Portland themes into a project design, when appropriate.

Findings for A2 and A2-1: The project uses sustainable features, the heavy steel plate at the ground level and stucco above, and an active frontage to emphasize Portland and East Portland Themes.

- The goal of this project is to be a Net-Zero energy building, supporting an important Portland value of sustainability. The proposal includes a highly insulated and air-tight building envelope, efficient energy recovery ventilation (HRV) system with a hot water heat pump, and LED lighting throughout. Photovoltaic panels are proposed to offset remaining electrical load.

- The stucco is intended to bridge and unify the Central Eastside character of cohabitating residential life with industrial character. The ground level consists of a vertical textured plaster render along with a champagne steel panel for durability at the pedestrian level.
- This project is located with great mass transit proximity. Although the frontages are narrow, the glazed retail space provided on Ankeny will encourage pedestrian activation and engagement with local transit opportunities.

These guidelines are met.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area’s character. Identify an area’s special features or qualities by integrating them into new development.

C3-1. Design to Enhance Existing Themes in the District. Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character.

Findings for A4, A5, and C3-1: Per the applicant, the proposal is intended to act as a bridging element between the more industrial area of the Central East Side, the large-scale housing developments working their way south from Burnside and the more residential neighborhood to the east through several gestures:

- The stucco and heavy steel plate at ground level (see Findings for A2 above); and
- The preservation of the residential lot size and street frontage width.

These compositional and material elements help integrate and unify the proposal with SE 12th and the surrounding area.

For these aspects of the proposal, these guidelines are met.

However, the massing, bulk and scale of the side walls as well as the metal paneling were found to not be compatible with the local character of this site, and in particular the residential structures that the proposal envelops and flanks. Additional findings for compatibility are addressed under later findings.

Therefore, due to concerns about the massing, bulk and scale of the side walls as well as the compatibility of the metal paneling, these guidelines are not yet met.

A5-3. Plan for or Incorporate Underground Utility Service. Plan for or Incorporate Underground Utility Service to development projects.

Findings for A5-3: The utility transformer and service for this small site are not proposed to be underground, but to be pole mounted, and routed underground to the electrical room via buried conduit. The applicant has indicated early communications with PGE about the proposed building’s power needs, and advised that PGE were generally supportive of a pole-mounted transformer, in this case. Accordingly, per PBOT, no below grade transformer vault is necessary and no further review from PBOT is warranted. Because PGE will accept a pole mounted transformer for this proposal and no transformer is proposed at the ground floor of the building, active frontages on both streets are maintained. *This guideline is met.*

A5-5. Incorporate Water Features. Enhance the quality of public spaces by incorporating water features.

Findings for A5 and A5-5: Although the very narrow frontages allow little room for the incorporation of water features, stormwater planters are incorporated into the base of the internal courtyards at the base of each stair. *This guideline is met.*

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

Findings for A7: In general, the massing of the building is placed at the property line on SE Ankeny, and set back slightly along SE 12th Avenue. Additionally, it is set back at the ground level to provide room for the entries, and projects out above ground level in the form of oriel windows. The slightly recessed glazed main entry doors covered with canopies will define and extend the public sidewalk, create a sense of urban enclosure, and provide weather protection at the entries. New street trees proposed will enhance the street and pedestrian sidewalk. *This guideline is met.*

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings: The sidewalk level is designed to create stopping and viewing places protected from sun and rain by canopies and building projections. Building setbacks on both street frontages are provided at the main entries to allow flexible pedestrian movement and provide sheltered space for building users. Areas of glazing and transparency are provided where possible to allow visual connections between interior and exterior activities. The main entry door to the retail space on Ankeny is glazed and placed alongside large picture windows with views into the commercial space. The lobby entry doors on Ankeny and 12th are also recessed and glazed with sidelights. The entry into the residential unit on SE 12th is via a porch raised from the street level by 4 steps and separated by a planter. The building will provide light and visibility at night, providing a sense of security and encouraging pedestrian activity after dark. *This guideline is met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

Findings: The building street frontage maintains, reinforces and enhances the existing right-of-way pedestrian access in several ways. The recessed main entrances allow the sidewalk to remain clear for through pedestrian traffic, the overhead canopies provide weather protection, and the street trees enhance the pedestrian experience. The different street zones will be developed in accordance with the right-of-way standards. Street trees will be added in the furniture zone. The movement zone will remain free of obstruction and the building frontage has been articulated with glazing, entry points and a porch and planter on 12th. *This guideline is met.*

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: Street trees within the planting strip help protect the pedestrian sidewalk from vehicles on the street. The building entries will all be lit with wall mounted scones integrated into the building design. No mechanical exhaust will be on the street frontage. *This guideline is met.*

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

B3-1. Reduce width of Pedestrian Crossings.

- a. Where possible, extend sidewalk curbs at street intersections to narrow pedestrian crossings for a safer pedestrian environment.
- b. Maintain large service vehicle turning radii where necessary.

Findings for B3 and B3-1: The narrow, mid-block site has limited street frontage; however, the pedestrian movement system is enhanced by the recessed ground level spaces as well as canopy overhangs on the sidewalk, and is supported by standard right-of-way improvements. *These guidelines are met.*

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

Findings for B4 and B5: The main building entrances are recessed to allow a space for socialization, rest and collecting one's self before entering away from the pedestrian through zone. This recess allows the sidewalk to remain clear of obstruction. Additional pedestrian protection is provided on the form of low level canopies, as well as higher level oriel windows which overhang the rights-of-way. Wall mounted sconces are proposed at each entry ensuring these stopping and viewing spaces are safely lit. *These guidelines are met.*

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

B6-1. Provide Pedestrian Rain Protection. Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

Findings for B6 and B6-1: Recessed ground floor areas as well as building overhangs and canopies have been integrated into the design to enhance the sidewalk experience and provide weather protection along both street frontages. *These guidelines are met.*

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

Findings: All three main building entrances are accessible. Additionally, although the residential unit facing SE 12th is not fully accessible, the other residential units appear to be accessible via the internal circulation. *This guideline is met.*

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

Findings: With a mere 34' of frontage on Ankeny and an even smaller 30' of frontage on 12th Avenue, attention has been given to the design and articulation of the street-facing facades. The ground level frontages have been revised to provide active spaces. The oriel window

projections on the street frontages project into the ROW, capturing oblique views down both streets. In addition to the oriel windows, which constitute the ‘big’ architectural moves, a high-level balcony is provided over the building step-backs on each elevation. The 6th floor balcony on Ankeny is placed to take advantage of views north towards the open space across the street, and west towards the river. The 5th floor balcony on 12th Avenue is oriented north towards the open space and east towards the residential neighborhoods. The light wells and circulation system of the building allow natural daylight and ventilation into units and provide varying views of the city while moving vertically throughout the building. These moves all contribute towards creating many different types of visual connections to the public spaces and enhance views into and out of the proposal.

This guideline is met.

C1-2. Integrate Signs.

- a. Retain and restore existing signage which reinforces the history and themes of the district, and permit new signage which reinforces the history and themes of the East Portland Grand Avenue historic district.
- b. Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code.
- c. Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/ architect. Submit a Master Signage Program as a part of the project’s application for a design review.

C13. Integrate Signs. Integrate signs and their associated structural components with the building’s overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings for C1-2 and C13: Applicant has advised that signage will be integrated into the design but is not proposed as part of this review. If not exempt, exterior building signage will be a separate design review at a later date.

These guidelines are therefore not applicable.

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings: The project is being developed by an owner that intends to retain ownership of the building for many years to come. This is illustrated in the fact that Net-Zero energy is the goal for this project which will continue to produce benefits with each additional year of building life. The proposed well-insulated, rain-screen façade system with triple pane windows is intended to provide a low-energy use building, and is coupled with a substantial photovoltaic solar panel system.

At the January 5, 2017 hearing, the proposed cladding materials included flat-lock zinc metal panels, stucco, and heavy metal plate at the ground level. The 1.0 mm thick (about 18 gauge) flat-lock zinc metal panels were proposed to replace the clear anodized panels.

- The Commission found that the stucco and heavy metal plate were permanent and quality options. However, while zinc is a less reflective material than the previously proposed metal panels, it is being used in the same amount and layout as the previous metal cladding, so while it is a less reflective material, the overall extent of metal being used as a cladding material was found to be too imposing, especially on the approximately 70’ tall, sheer sidewalls.
- While this proposal is aiming for Net Zero and has utilized solar panels as a cladding solution on the south elevation, as the applicant noted, the zoning allowance for the adjacent sites includes a much taller building envelope. If the adjacent property was to be redeveloped to this extent, the south side solar panel cladding (as well as the roof top solar panels) would remain in shadow and be rendered useless, making this cladding

obsolete, as well as the Net Zero aspect of the proposal.

- Since approximately 70’ tall sidewalls are proposed right on the property lines, the Commission has concerns with how the large, exposed sidewalls will be constructed without largely impacting the neighbors during construction. Additional concerns were noted about how this lot-line cladding will be maintained in the future. As the applicant stated, they do not have maintenance agreements in place with the neighbor to ensure long-term access to the proposed zero-property line exterior cladding, therefore, long-term care and maintenance of these prominent walls cannot be ensured.

Therefore, due to concerns with the compatibility of the metal paneling and the maintenance of the party walls, this guideline is not yet met.

C3 Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions, that are compatible with the existing building, to enhance the overall proposal’s architectural integrity.

Findings for C3: This is a new proposal; therefore, this guideline does not apply.

C3-2. Respect Adjacent Residential Neighborhoods. Respect the architectural character and development patterns of adjacent residential neighborhoods.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C3-2, C4, and C5: As noted under “Zoning” above, *“Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area”*. The Central Eastside District has a variety of building types and styles, from larger, full block, multi-story structures on the western side of the district closer to the river, to smaller, 1-2 story, 1/4-block industrial buildings and small-lot, single-family residential buildings at the eastern edge of the district, especially along SE 12th. A significant number of multi-unit buildings have been built, are planned and are being constructed in the immediate vicinity (Lower Burnside Lofts, Burnside Delta, and 1208 Ankeny), radically changing the scale from a single-family residential or 1 and 2 story industrial area to larger, multi-story (5 or 6 levels) structures.

However, this proposal site sits at the very edge of the Central City, in a transition zone amidst a very strong, lower density context. Additionally, the small size and “L” shape of this lot creates additional challenges to any larger-scaled development of the site. The site wraps two lots on the corner that are not owned by the applicant, both of which contain residential structures constructed in 1904. The remaining 3 lots south of the site along SE 12th contain residential structures that have been identified as having potential historical and architectural significance, and are listed on the City of Portland’s Historic Resource Inventory (HRI). 135, 127 and 121 SE 12th were all built in 1894 & 1895, and were constructed in the Queen Anne Vernacular style.

At the January 5, 2017 hearing, the Commission found that while the revisions made to the 12th Avenue façade helped reduce the scale along that streetscape, there was a lack of substantive changes to the massing, scale and bulk of the sidewalls, and with the configuration of the open stairwells, the building remained oversized for its parcel. The Commission made several specific points related to these approval criteria:

- The street-facing facades on 12th & Ankeny now better respond to the architectural character and development patterns of the adjacent area.
- However, there is a substantial excess of sidewalls, leaving a building that is mostly

blank walls. Unlike a typical corner lot situation where you might have up to 50% of the wall area of a building as blank side walls. However, in this case, there are limited street frontages of 30' on SW 12th and 34' on SW Ankeny. Therefore, out of a total of 400' of site property lines, there is 64' of street frontage and 336' of sidewall, which is 16% street frontage and 84% sidewall. That means that only 16% of the walls are active street frontage walls with windows, and the remaining 84% of the walls are side property line walls, leaving a building that is mostly blank walls.

- As this parcel is located at the perimeter of the Design overlay, it is particularly significant to our entire community and we value how the land is developed; therefore, it merited special review (Design Review) beyond the non-discretionary development standards.
- This is an unusual site: it is relatively small, it is located within the block, it is a unique "L" shape; and the adjacent context is small scaled; all of which create additional challenges to any larger-scaled development of the site.
- The modest size and the unusual shape of the lot combined with intent to develop to development standard allowances have created large-scaled internal property line walls that will have an unacceptable impact on the surrounding context. This small, narrow site doesn't have the ability within its own boundaries to provide buffers to adjacent, lower-scaled development, particularly to house directly to the south and to the two to the north. While zoning is the road map to development, the reality is there are often specific overriding local considerations that supersede zoning allowances, particularly in transition areas such as this.
- While the adjacent parcels may be redeveloped at some point in the future, for now, however, these lots are currently developed with relatively small residential structures under multiple ownerships. That means the walls at the interior property lines are as visible as, or even more visible, than the front elevations, and most likely will remain so into the future. And, while building to the property line and extruding up has been acceptable in many circumstances, as seen often in the Central City. However, when these walls are likely to remain visible for the foreseeable future, there is a greater responsibility for the design of them.
- Other existing and new developments in the area are located on larger, more regular shaped sites with substantial frontages which do not require architectural gymnastics to make an "L" shaped development work.
- Given the residential nature of the immediately adjacent context, and the fact that there is a desire in Portland to preserve the character of residential areas like this, the height, the sheerness, and the lack of articulation of the side walls does not help to complement its context nor respect the existing architectural character.
- While the development team recognizes the context and the three historic house to the south by locating solar panels on the south elevation, the design isn't responding to this context in a way that is compatible, because the south wall is built to the property lines, putting an approximately 65' high wall about 3' from the southern house.
- In addition to the scale and location of the sidewalls on the property lines, concerns were also noted about the impact of lighting and noise from the mid-block open stairwells on adjacent neighbors.

Therefore, due to the massing, scale and bulk of the extensive sidewalls, and the configuration of the open stairwells, these guidelines are not yet met.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings: On the street frontages, the sidewalk-level façade elements pull away from the property line creating recessed transition spaces of various depths between the sidewalk and the building. Building setbacks on both street frontages at the main entries allow flexible

pedestrian movement and provide sheltered space for building users. Areas of glazing and transparency allow visual connections between interior and exterior activities. The main entry door to the retail space on Ankeny is glazed and placed alongside large picture windows with views into the commercial space. The main lobby entry doors on Ankeny and 12th are also recessed and glazed with sidelights. The entry into the residential unit on SE 12th is via a porch raised from the street level by 4 steps and separated by a planter. *This guideline is met.*

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings: The sidewalk level is differentiated from the building above by articulation and materials. At the ground floor, the massing of the building is stepped back from the property lines to provide protected entry transition areas and extensions of the sidewalks. Canopies at the ground level add an additional level of protection for the pedestrian through zone at the ground floor. The street level materials consist of large commercial style windows with champagne colored steel plate. The same steel is also used for sidewalk covering canopies. *This guideline is met.*

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings: Due to the small area of the site that contains street frontage, the amount of adjacent sidewalk space is quite limited. At the street level on Ankeny, a small commercial shop intended to replace the owner's existing commercial space is proposed, as well as a glazed residential entry and a narrow service space. At the street level on SE 12th Avenue, which is a more residential street, a residential unit with a covered and raised porch area is proposed. *This guideline is met.*

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

C8-1. Allow for Loading and Staging Areas on Sidewalks. On local service streets, adjacent businesses may use the sidewalk area for temporary loading and staging as long as pedestrian access through it is maintained.

Findings for C10 and C8-1: Building projections into the ROW create physical and visual shelters, visual keys, and enhanced visual sidewalk interest. The ground level canopies are minimal encroachments, mark entrances, and provide shelter for the sidewalk pedestrian realm. The oriel window encroachments above are used to create oblique city views from within the building and provide architectural interest and articulation on the exterior façade. An Exception is requested to the length of the oriel windows, refer to findings below. The oriel windows will enhance the building's integration within the Central City and the Central Eastside District by incorporating a common theme and providing design variation. This project does not anticipate the need for loading and staging on the sidewalks. *These guidelines are met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective storm water management tools.

Findings: On the ground level and the second level podium, integrated stormwater planters provide green spaces within the semi-public circulation areas. On the roof, the mechanical equipment has been grouped at the roof edges to allow for a maximized area of solar PV panels. These units are indicated to be lower than the level of the parapets. According to the applicant, parapets have been integrated into the form of the façade to minimize visual clutter, and the shape of the roof is articulated to maximize the amount and efficiency of the solar panels, expressing the design intent of the building as a Net-Zero energy building. *This guideline is met.*

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: At the ground level, exterior wall sconces adjacent to the entries will illuminate the areas adjacent to the building entrances, while limiting light pollution. At the mid-block, open stair wells, strip LED lighting is proposed underneath the stair treads (Exhibit C.41). The stairwells are enclosed with a light stainless steel cable mesh, therefore they are visibly open, and any lighting within them will also be very visible.

As discussed at the second hearing, since the stairwell courtyards are located within the block, they will be very visible to their rear windows and yards of the adjacent free-standing residential structures. The Commission was concerned with how the lighting in these will affect the quality of the side and rear areas of the adjacent houses.

Since the second hearing, the applicant added returns to better control the direction of the lighting (Exhibit C41) to help reduce impact on the neighbor's rear yards.
This guideline is met.

(2) Modification Requests (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification request: 33.266.220.C.3.b, *Standards for all bicycle parking:*

The project includes 28 long-term bicycle parking spaces; 12 spaces within the ground floor secured bike room, 3 spaces within the ground floor bike closet, and the remaining 13 spaces with-in units.

Spacing: For the 11 vertically hung spaces on the ground floor (8 in the ground floor bike room and 3 in the bike closet), the proposal is to reduce the spacing width from 2'-0" to 1'-6"; and,

Racks: For the 13 in-unit spaces, the proposal is to reduce the rack requirement from requiring a U-shaped shackle lock to span the frame and one wheel, to allow a U-shaped shackle lock to span only one wheel.

Standards.

Spacing: A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

Racks: The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.

A. The resulting development will better meet the applicable design guidelines.

Findings:

Spacing. Accommodating these bicycle parking spaces in a horizontal rack would consume considerable floor area in the bike room. Relying upon a vertical/stacked bike rack is an efficient use of space, and is identical to the parking system recently approved in numerous Design Reviews throughout Central City. The proposed functional and space efficient system eases floor plan demands and results in additional opportunities for active uses at the street, such as lobby space and retail tenant spaces which contributes to the project better meeting Guidelines A8 *Contribute to a Vibrant Streetscape* and B1 *Reinforce and Enhance the Pedestrian System*. Therefore this criterion is met.

Racks: For the in-unit racks, to reduce the rack requirement from requiring a U-shaped shackle lock to span the frame and one wheel, to allow a U-shaped shackle lock to span only one wheel is supportable because there is already a level of security within the individual unit, and this will ease floor plan demands on the ground floor, resulting in additional opportunities for active uses at the street, such as lobby space and retail tenant spaces which contributes to the project better meeting Guidelines A8 *Contribute to a Vibrant Streetscape* and B1 *Reinforce and Enhance the Pedestrian System*. Therefore this criterion is met.

This criterion is met.

B. On Balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Findings:

Spacing. The primary purpose of the standard is to ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and damage. The proposed vertical bike rack system in the bike room can be fixed to stack bikes vertically to allow the handle bars to overlap, ensuring ease of use, efficient use of space, and providing secure storage of bikes. Therefore this criterion is met.

Racks: For the in-unit racks, the reduced requirement of a high security, U-shaped shackle lock spanning just one wheel rather than the required frame and one wheel is reasonable, given the secure location of the bike rack within an individual unit. Therefore this criterion is met.

This criterion is met.

(3) Exception Requests (33.825)

Exception request [OSSC/32/#1]: *Window Projections into the Right-of-Way (OSSC/32/#1)* to increase the maximum width of the oriel projections from 12’ to: 15’-9.5” on SE Ankeny and 14’-8” on SE 12th.

Findings. Windows that project into the public right-of-way have a maximum width of 12’. When approved through design review, the width may vary. The project includes window projections along/over the site’s SE Ankeny and SE 12th Ave frontages. These projections

must be review pursuant to the BDS Code Guide – Window Projections into Public Right-of-Way (OSSC/32/#1). The applicant has submitted adequate information for the City’s review of the projections – all dimensional limitations are satisfied except one; the applicant is seeking an exception to the 12-ft wide maximum width limitation. The proposed 15’-9.5” projection over SE Ankeny and the proposed 14’-8” projection over SE 12th Ave are acceptable to PBOT – given the angled projection of both windows, the overall impact of the additional widths are minimized (Exhibit E.7).

Standards for windows allowed to project into public right-of-way.

- A. Projection.** Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

Findings. The maximum projection of both oriels is 4’-0”. *This criterion is met.*

- B. Clearance.** Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2014 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

Findings. The maximum projection is 4’-0” for both oriels. Although not identified on drawings, the applicant has advised the minimum clearance above grade will be at a minimum the required 12’.
This criterion is met.

- C. Area.** Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall’s area.

Findings. The projecting wall areas are below the maximum 40% allowed as follows: SE Ankeny Façade 31%, SE 12th Façade 24%. *This criterion is met.*

- D. Wall Length.** Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

Findings. The projecting wall length is under the maximum allowed 50% width of any single window is as follows: SE Ankeny: 47%, SE 12th: 50%. *This criterion is met.*

- E. Window Area.** Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides, and required side windows must be a minimum of 10% of side walls. When approved through design review, the window requirement for side walls may vary. Side windows must meet the requirements of Table 705.8 of the current Oregon Structural Specialty Code, maximum area of exterior wall openings based on fire separation distance and degree of opening protection. The separation distance is measured from the continuation of the property line. No openings will be allowed within 3 feet of the property line continuation.

Findings. The oriel projections are both 4’-0”, therefore the projections must meet both the minimum 30% front-wall glazing as well as the minimum 10% side-wall glazing.

- SE Ankeny projection has: 38% front-wall glazing and over 10% side wall glazing.
- SE 12th projection has: 47% front-wall glazing and over 10% side wall glazing.

This criterion is met.

- F. Width.** Maximum width of 12 feet for each projecting window element. When approved through design review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall’s area and the width of any single projecting window element does not exceed 50% of its building wall’s length.

Findings. The proposed projections are under 40% of the wall areas and do not exceed 50% of the building wall lengths as noted above.

Proposed projections are over the 12' maximum width allowed:

- SE Ankeny: 15'-9.5"
- SE 12th: 14'-8"

This Criterion is not met but is approvable with (1) compliance with standards C and D, and (2) a favorable recommendation through Design Review. Standards C and D are met. With regard to Design Review consideration, the modification will allow articulated massing above the main building entrances, which may help reduce apparent overall massing of proposal. The proposed oriel projections function as follows:

- Identify the main entrances, and
- Strengthen the differentiation between street level, bay, and building above.

This criterion is met.

G. Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.

Findings. There is only one window projection proposed on each elevation. *This criterion is met.*

This approval criterion has been met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value.

While there are many aspects of the proposal that are admirable, such as the net zero goals, and meet several design guidelines, such as A8, *Contribute to a Vibrant Streetscape*, fundamental challenges of scale, massing and compatibility have not been successfully addressed. While the applicant pursued some significant changes such as eliminating ground floor parking, the remaining changes were far too modest to ultimately meet the approval criteria.

Therefore, due to the lack of substantive changes to the massing, scale and bulk of the sidewalls, the open stairwells, and the extent of metal cladding, the Commission found that the following guidelines are not yet met:

- C3-2. *Respect Adjacent Residential Neighborhoods.*
- C4. *Complement the Context of Existing Buildings.*
- C5. *Design for Coherency.*

Additionally, due to the concerns with the massing of the sidewalls, and the compatibility of the metal panel cladding, staff found that some aspects of the following guidelines were also not yet met:

- A4. Use Unifying Elements.
- A5. Enhance, Embellish, and Identify Areas.
- C3-1 Design to Enhance Existing Themes in the District.

Given the fundamental challenges of this high density development on an extremely restrictive lot size and unusual, mid-block “L” shape, a Design Advice Request would have been extremely beneficial to the process and the timeline for this development, as was advised by Staff at the beginning of the process, and by the Design Commission at subsequent hearings.

At the final hearing on January 5, 2017 however, the applicant chose not to make any additional changes requested by the Design Commission in order to approve the proposal, and requested a decision of denial with the intent of appealing to City Council.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Design Commission decision)

Denial of Design Review for a new 5- to 6-story, seventeen (17) unit apartment building in the Central Eastside Subdistrict of the Central City Plan District, with ground floor retail, service spaces, and a residential unit fronting SE 12th.

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Procedural Information. The application for this land use review was submitted on June 7, 2016, and was determined to be complete on **August 5, 2016**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on **June 7, 2016**.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: August 5, 2017**.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any

person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision: The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000.00).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Planner's Name: Grace Jeffreys

Date: January 18, 2017

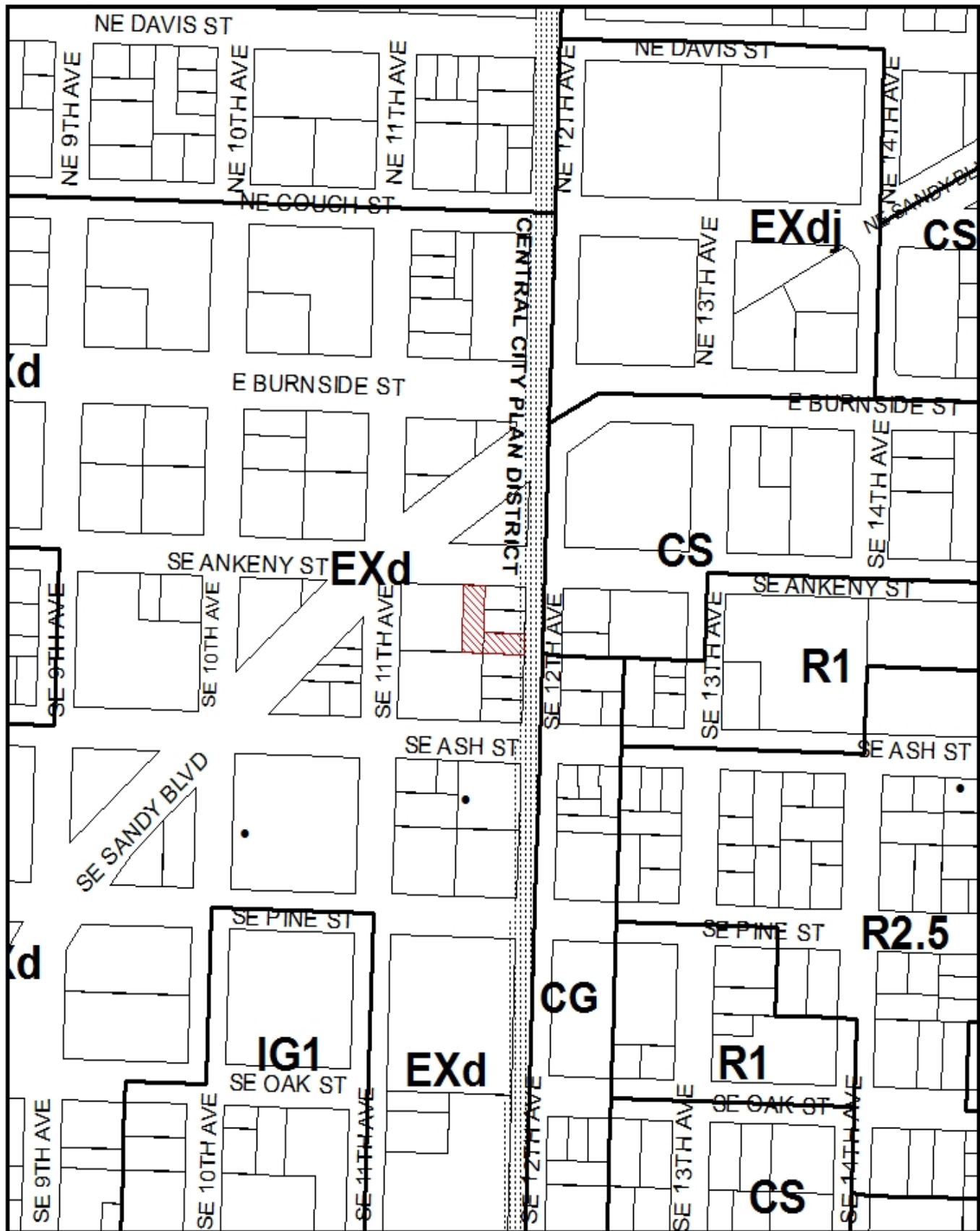
EXHIBITS - NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Initial application, narratives, drawings, 6/7/16
 - 2. 120-day waiver
 - 3. Revised application, narratives, drawings, 8/5/16
 - 4. Revised drawings and appendix with context, diagrams, renderings, 9/28/16
- B. Zoning Map (attached):
 - 1. Zoning map
- C. Plans & Drawings:
 - 1. Site Plan (attached)
 - 2. Through C.7 Floor Plans
 - 8. Through C.13 Elevations, color
 - 14. Through C.19 Elevations, b/w, (attached)
 - 20. Through C.21 Building Sections
 - 22. Wall Sections
 - 23. Through C.25 Enlarged Elevations
 - 26. Through C.28 Details
 - 29. Through C.34 Materials
 - 35. Through C.39 Landscape
 - 40. Through C.41 Lighting
 - 42. Through C.43 Civil
 - 44. Through C.54 Cutsheets

- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Site Development Review Section of Bureau of Development Services
 - 3. Life Safety Review Section of Bureau of Development Services
 - 4. Water Bureau
 - 5a. Bureau of Environmental Services
 - 5b. Bureau of Environmental Services, addendum
 - 6. Bureau of Parks, Forestry Division
 - 7a. Bureau of Transportation Engineering and Development Review
 - 7b. Bureau of Transportation Engineering and Development Review, addendum
- F. Letters:
 - 1. Jeff Burns, 9/18/16, stating concerns with the proposal and lack of neighborhood interaction.
 - 2. Mary Roberts and Michael J. Beglan, 9/27/16, stating concerns regarding contextual response, massing and scale, and pedestrian safety.
- G. Other:
 - 1. Original LUR Application
 - 2. Site images
 - 3. Pre-Application Conference notes, 3/2/16
 - 4. RFC, 6/13/16
 - 5. Incomplete letter, 7/6/16
- H. Other:
 - 1. Staff Report, 9/30/16
 - 2. Staff Memo, 9/30/16
 - 3. HRI for three adjacent structures on SE 12th
 - 4. Staff PPT, 10/6/16
 - 5. Applicant PPT, 10/6/16
 - 6. Public Testimony, 9/22/16
 - 7. 12th Avenue Elevation (from public)
 - 8. Staff notes from hearing, 10/14/16
 - 9. Decibels chart
 - 10. Revised drawings, car parking removed, 10/28/16
 - 11. Revised drawings and narrative, 11/17/16
 - 12. Revised Staff Report, 11/22/16
 - 13. Revised Staff Memo, 11/22/16
 - 14. Letter from Mary Roberts, stating concerns regarding the proposal meeting GL's A4, A5, and C12 -contextual response, massing, and scale.
 - 15. Staff PPT, 12/1/16
 - 16. Public Testimony, 12/1/16
 - 17. Letter from Michael J. Beglan, 12/1/16, stating concerns with proposal meeting design review requirements, noted in 33.420.
 - 18. Staff notes from hearing, 12/6/16
 - 19. Revised narrative and drawings, 12/22/16
 - 20. Revised Staff Report, 12/30/16
 - 21. Revised Staff Memo, 12/30/16
 - 22. Letter from Mary Roberts, stating concerns with the proposal, 1/4/17.
 - 23. Public Testimony, 1/5/17

24. Letter from Michael Belgin, stating concerns regarding the proposal meeting GL's C3-2 and C4 -contextual response, massing, and scale, 1/4/17.
25. Letter from Damian Crowder, PDC, stating support of the proposal, 1/5/17, 1:41 PM.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

- Site
- Historic Landmark

This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 CENTRAL EASTSIDE SUBDISTRICT



File No.	<u>LU 16-184524 DZM</u>
1/4 Section	<u>3031</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E35CD 3600</u>
Exhibit	<u>B (Aug 08, 2016)</u>