

CITY OF PORTLAND, OREGON



Land Use Review Appeal to
Portland City Council

Appeal of Design Commission Decision
LU 16-184524 DZM

1122 SE Ankeny

April 12, 2017

OVERVIEW

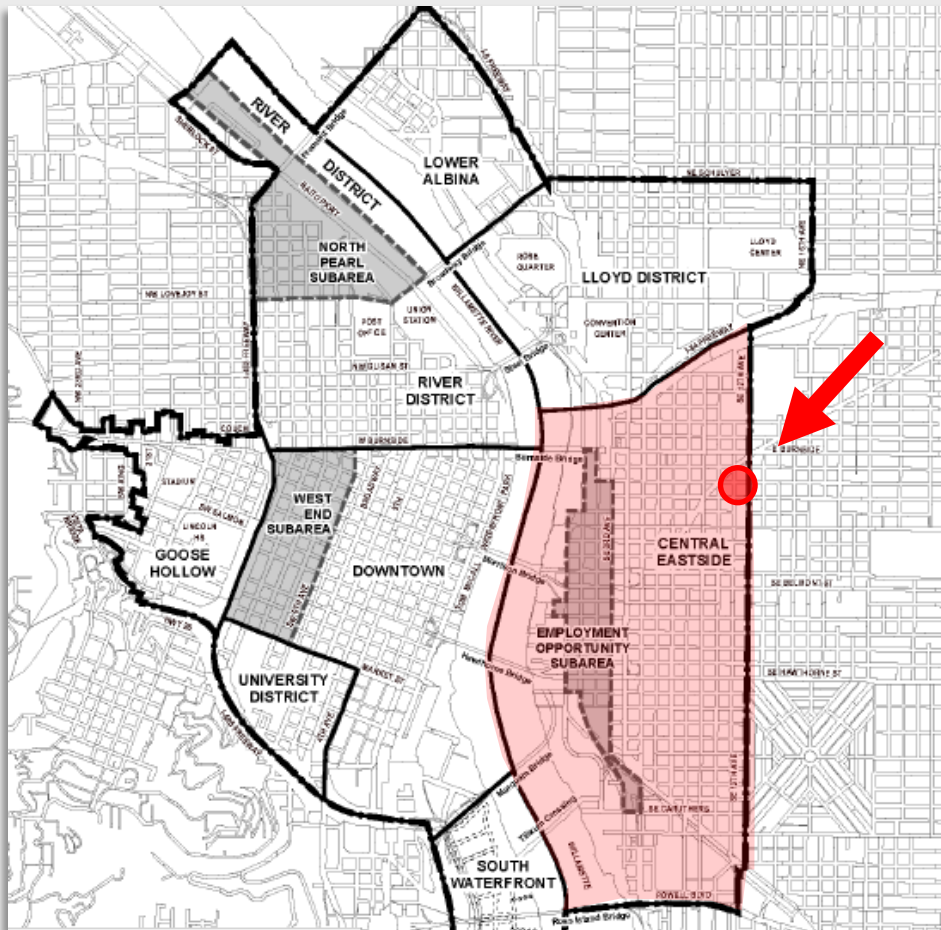


PRESENTATION

1. Context
2. Proposal
3. Process
4. Decision
5. Appeal



CONTEXT

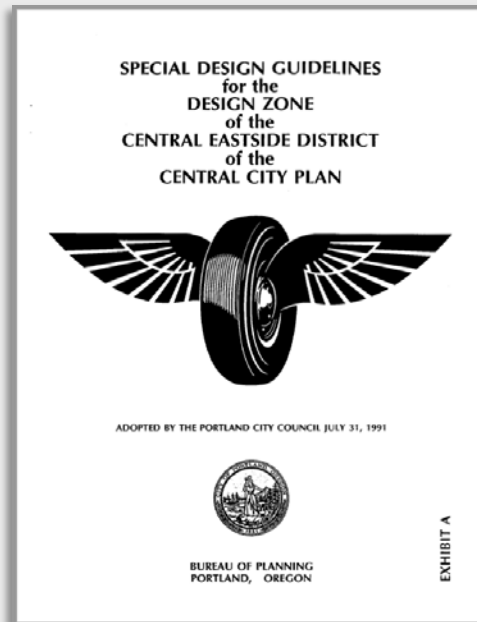
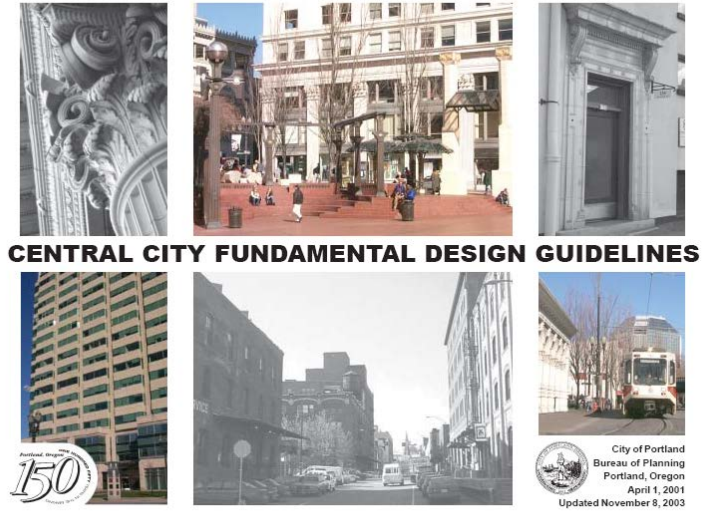


Plan District

- Central City Plan District
- Central Eastside Subdistrict

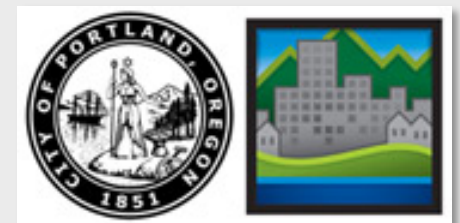


CONTEXT



Approval Criteria

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



CONTEXT





CONTEXT

Site Area: Partial block, 5,380 square feet

Site Frontages: SE 12th Ave (30') – E, SE Ankeny St (34') – N

Existing Condition: 1-1/2 story house on SE Ankeny to be demolished

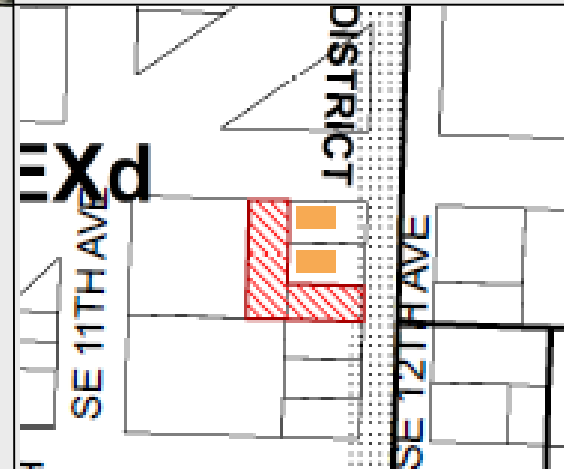


CONTEXT





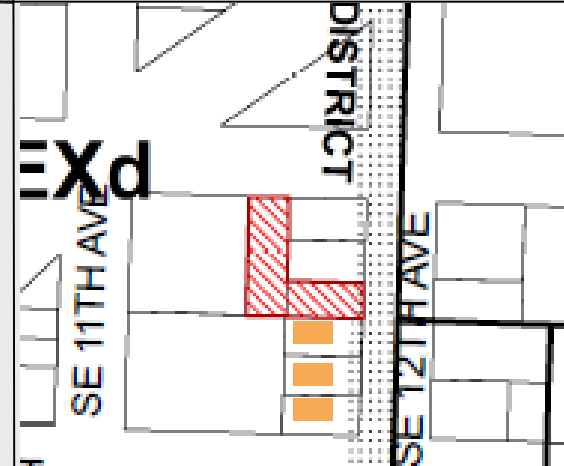
CONTEXT



SE ANKENY ST

SE 12TH AVE

CONTEXT



CONTEXT



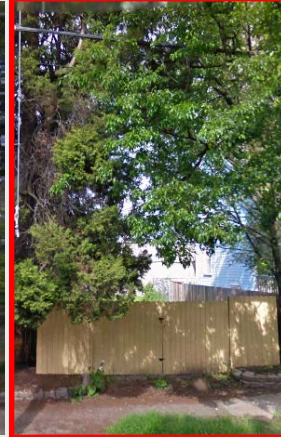
135 SE 12th



127 SE 12th



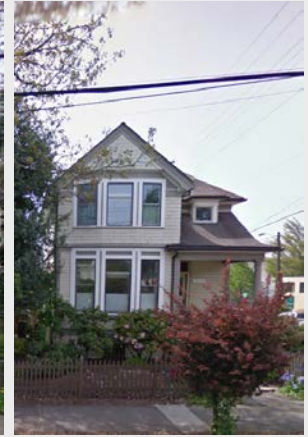
121 SE 12th



SITE

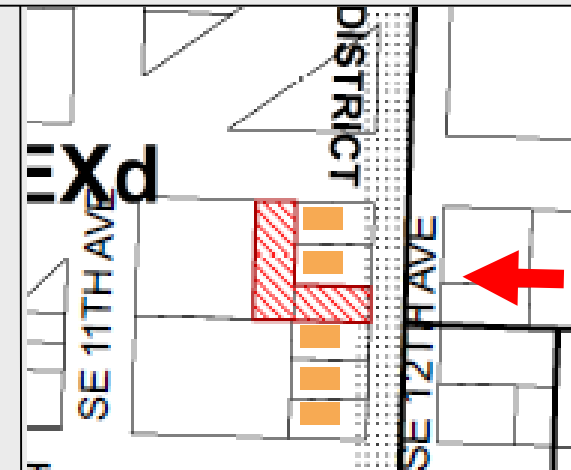


113 SE 12th



101 SE 12th

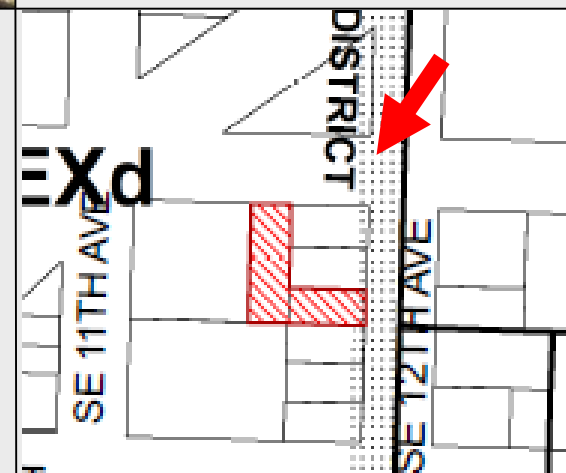
SE 12TH FRONTAGE





CONTEXT

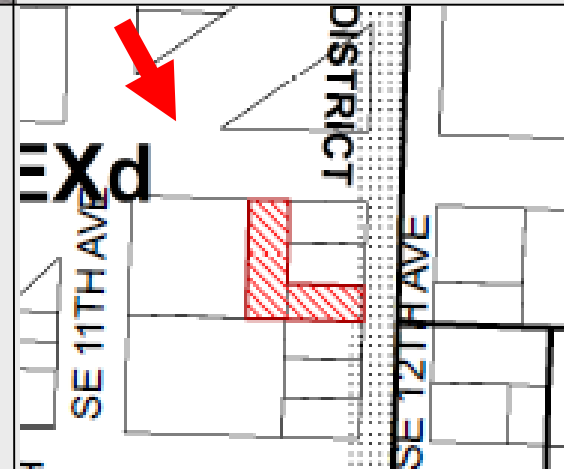
View: S on SE 12th



CONTEXT



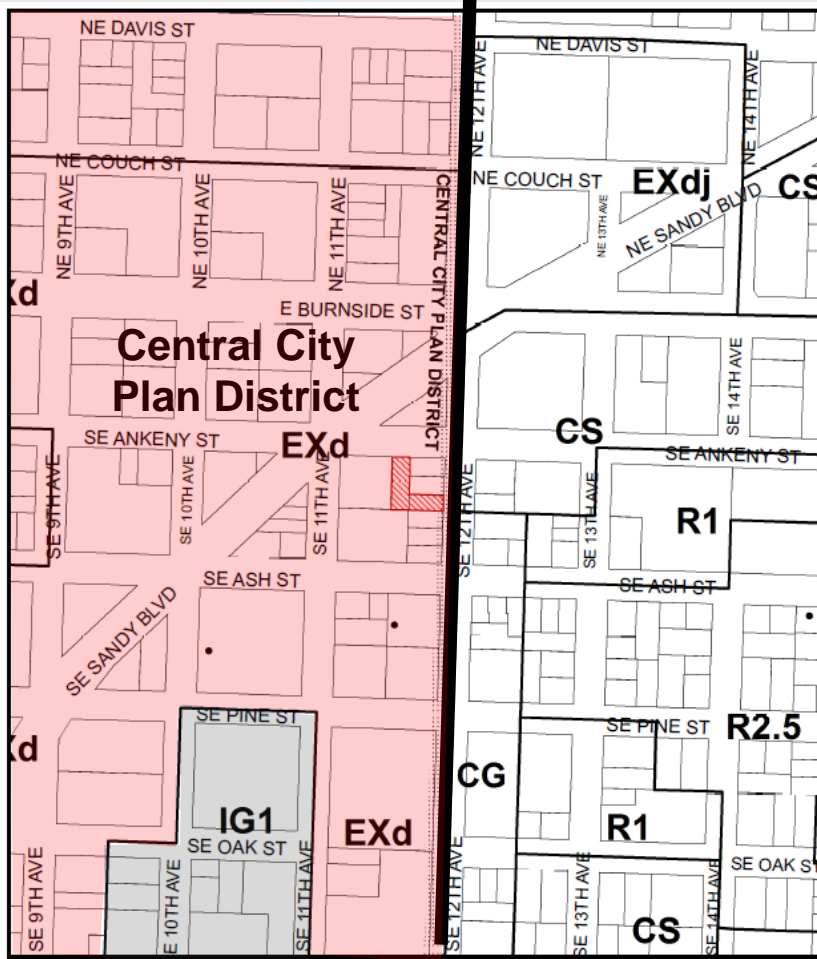
View: **Site from Sandy**



CONTEXT



CONTEXT

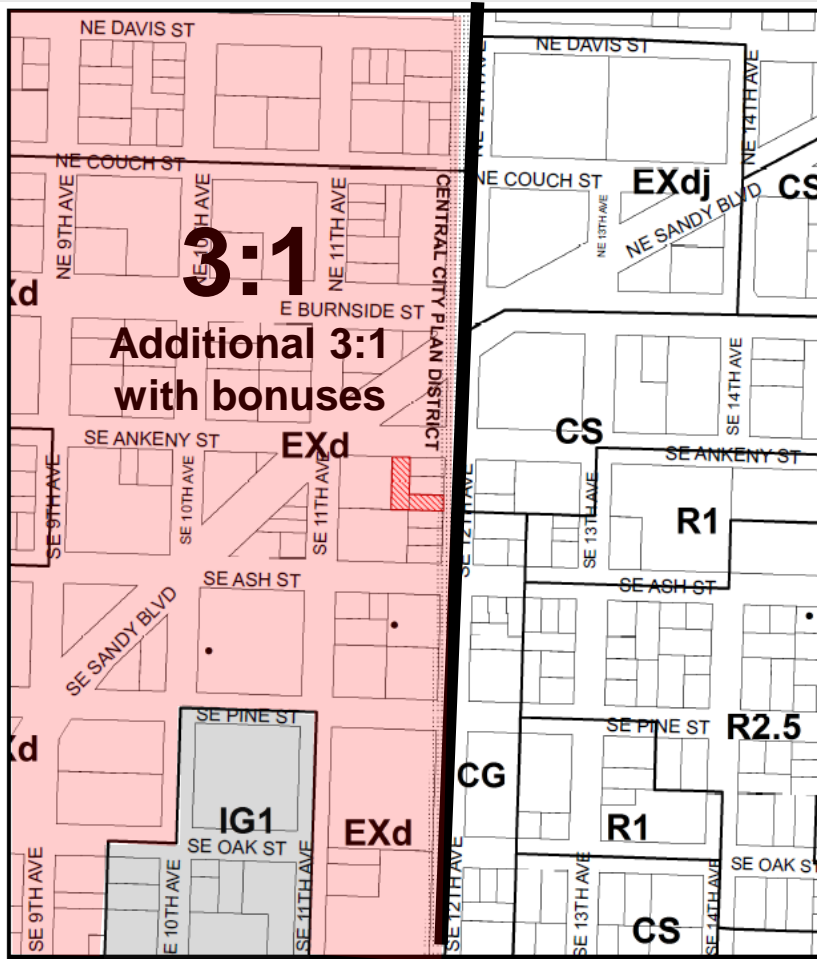


ZONING:

EXd, Central Employment (EX) w/ Design Overlay (d)



CONTEXT



FAR:

Base FAR allowance (Map 510-2)

Add'l FAR Residential Bonus (33.510.210.D.2.b)

Total proposed FAR

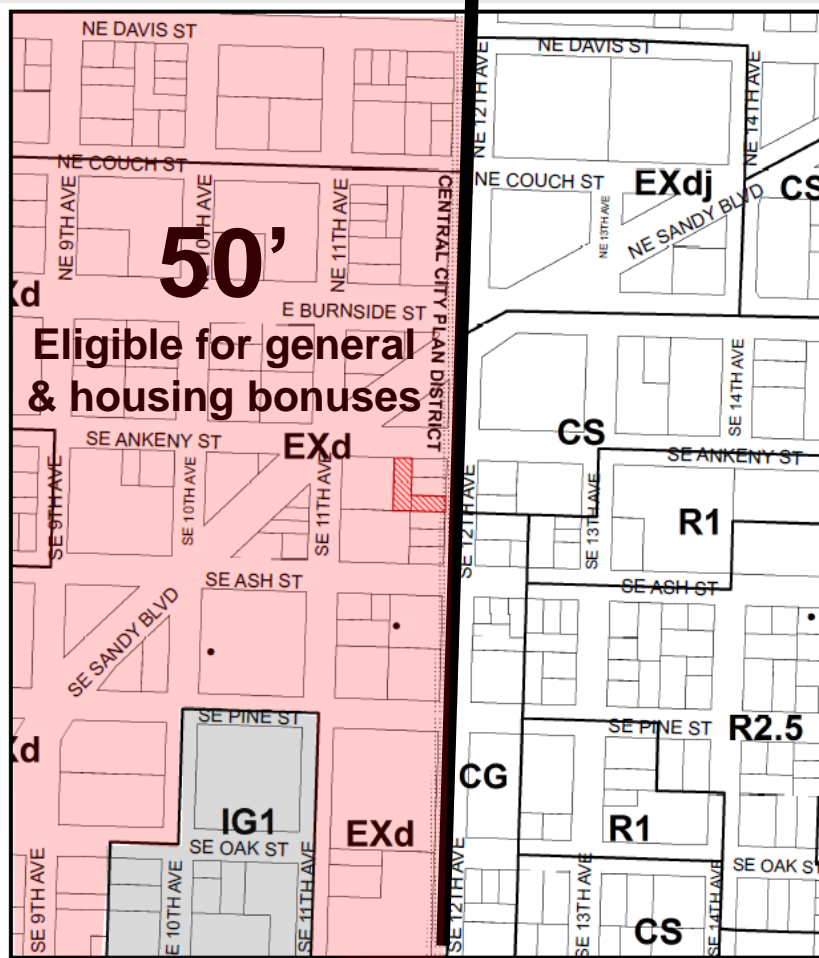
3:1 max

3:1 max

4.93:1



CONTEXT



HEIGHT:

Base height allowance (Map 510-3)
Add'l height General Bonus (33.510.210.D.2.b)

Total proposed height

50' max
45' max

78'



PROPOSAL



PROPOSAL

- 6 stories
- 17 market rate units
- Retail (Ankeny)
- No parking or loading

HEIGHT

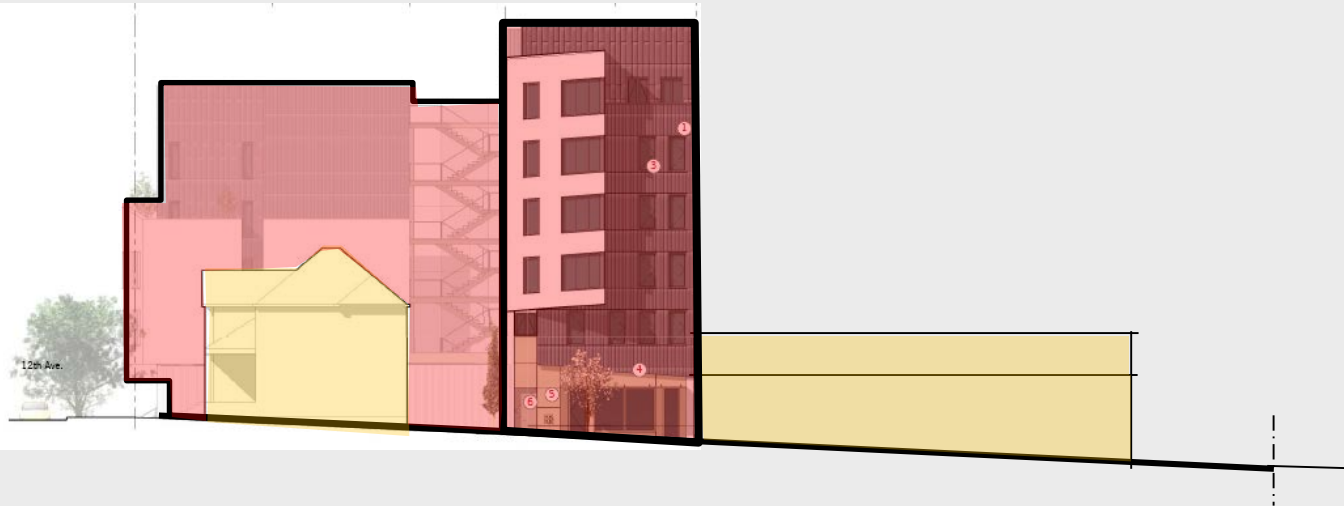
- Approx. 78' T.O.P.

FAR

- 4.93:1 proposed



PROPOSAL



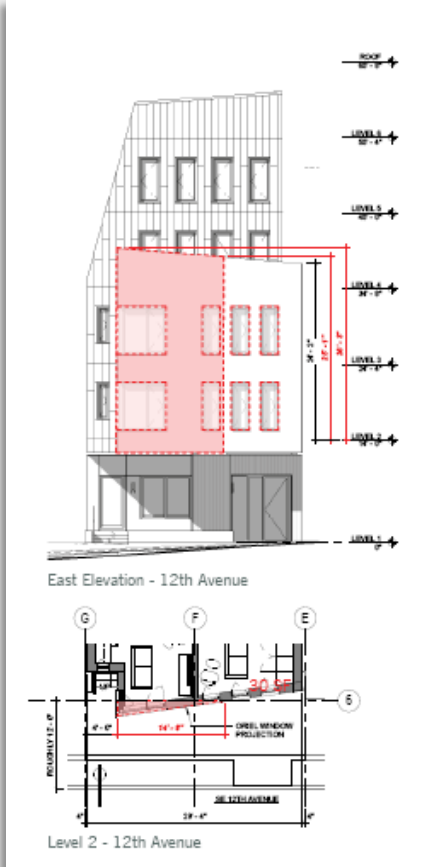
SE Ankeny Street



SE 12th Avenue



PROPOSAL



SE 12th Avenue



SE Ankeny Street

ADDITIONAL REVIEWS

Modification to Bike Parking

- Reduce interior spacing (approvable)

Exception to Window Projections

- Increase width of oriel from 12' to 15'-9.5" on SE Ankeny and 14'-8" on SE 12th. (approvable if DG's met)



PRE-APPLICATION

- **Pre-Application Conference**, April 7, 2016 (Required for Type III reviews)
 - Feedback: The majority of the DG's not met.
 - Staff strongly advised a DAR prior to DR submittal.

DESIGN REVIEW

- **1st Design Review hearing**, October 6, 2016
 - Feedback: The majority of the DG's not met.
 - Applicant requested return with a revised design.
- **2nd Design Review hearing**, December 1, 2016
 - Feedback: DG's still not met: A4, A5, C2, C3-1, C3-2, C4, C5
 - Applicant requested return with a revised design.
- **3rd Design Review hearing**, January 5, 2017
 - Feedback: DG's still not met: A4, A5, C2, C3-1, C3-2, C4, C5
 - Applicant requested return without a revised design, for final decision.
- **4th Design Review hearing**, January 19, 2017
 - Applicant requested return with revised design options.
 - Design Commission offered a return work session.
- **5th Design Review hearing**, February 2, 2017
 - Applicant requested a decision based on scheme presented at the 3rd hearing on January 5, 2017, which was a denial.

APPEAL

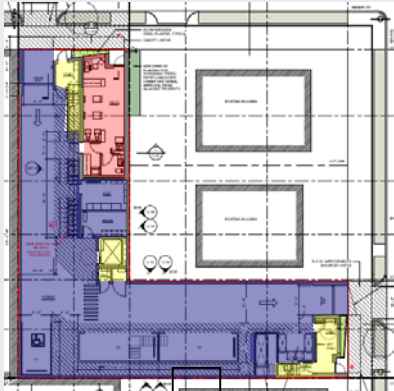
- **Appeal of Decision**, received, March 2, 2017

PROCESS



PROCESS

DESIGN EVOLUTION: Ground floor plan



DR #1



DR #2



DR #3



DESIGN EVOLUTION: Building design

DR #1



DR #2



DR #3



PROCESS



The Design Commission found that the approval criteria were not yet met, therefore, the request was denied.

PZC 33.825.050 states:

“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.”

Design Guidelines related to contextual response, coherency, and permanence and quality were found to not be met:

- A4. Use Unifying Elements
- A5. Enhance, Embellish and Identify Areas
- C2. Promote Quality and Permanence in Development
- C3-1. Design to Enhance Existing Themes in the District
- C3-2. Respect Adjacent Residential Neighborhoods
- C4. Complement the Context of Existing Buildings
- C5. Design for Coherency.

The Decision of denial is being appealed.

DECISION



DESIGN GUIDELINES NOT 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.
- **C2. Promote Quality and Permanence in Development** - Use design principles and building materials that promote quality and permanence.
- **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.
- **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.

DECISION



APPEAL STATEMENT

The applicants states that:

1. The Project is within the **allowed height and density** for the Site under both the EXd and the Central City Plan District ("CCPD") regulations;
2. The **open stairwells** were thought to be endorsed by a majority of the Commission at one of the 5 hearings on the proposal, earning the project a revised staff report and recommendation of approval on the stairwell design, but that conclusion was reversed in the final hearing; and
3. The **metal paneling** was modified during the hearing process to respond to the comments by the Design Commission.

APPEAL



BDS'S RESPONSE

1. The proposal was **not denied on the grounds of height or density, but because it did not meet the applicable approval criteria:**
 - Because the site is located in a design overlay zone, it is subject to Design Review (PZC 33.420.041).
 - As noted in the code, *"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."* (PZC 33.825.055).
 - The Commission provided input on how to improve the sidewalk conditions to meet the guidelines. **Suggestions included shifting the height away from SE 12th towards the west of the site, and providing side setbacks to adjacent residential, while maintaining desired unit counts.**
2. The applicant made changes to the stairwell lighting, however, the **6-story tall open stairwells** themselves were found to be not compatible with the adjacent residential rear yards due to concerns about light and noise spill-out.
3. The applicant made changes to the material choices, however, the **large expanses of metal-clad sidewalls** were found to not be compatible with the adjacent residential context.

APPEAL



CITY COUNCIL ALTERNATIVES

Deny the appeal, and uphold the Design Commission's decision to deny the proposal.

Grant the appeal, and overturn the Design Commission's decision to deny the proposal, thereby approving the proposal.

Continue the hearing, and request design revisions to be reviewed at a return council hearing.

APPEAL

