



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Interim Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

## MEMORANDUM

August 9, 2017

**To:** Mayor Ted Wheeler  
Commissioner Chloe Eudaly  
Commissioner Nick Fish  
Commissioner Amanda Fritz  
Commissioner Dan Saltzman

**From:** Grace Jeffreys, City Planner II, Land Use Services, 503-823-7840  
Bureau of Development Services

**Subject:** City Council 4<sup>th</sup> return hearing on Type 3 Appeal for:  
LU 16-1184524 DZM – 1122 SE Ankeny Apartments

**Public hearing:** August 9, 2017 at 2 PM, time certain.

### I. Background.

- a. **Land Use History.** The Pre-application Conference was held on February 16, 2016, and was followed by the Design Review application and 5 Design Commission hearings, and ended in a denial of the application. That decision was then appealed to the City Council, and this is the 4th City Council hearing of that appeal.
- b. **The Design Review Process.** The Design Commission found that the proposal did not meet all the applicable approval criteria, therefore, the request was denied. **Seven** Design Guidelines were cited as not being met. These included:
  - **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.
- c. **The Major Issues.** Under their Final Findings, the Design Commission identified three major aspects of the proposal that did not meet the guidelines:
  1. Massing, scale, and bulk of the sidewalls;
  2. Impact of open stairwells on adjacent properties; and,
  3. Quality and permanence of the proposed metal cladding.

### II. City Council feedback at the last hearing.

- a. **Revised proposal.** At the last hearing, held on June 21, 2017, a revised proposal was presented with 4' setbacks on the south side, a slightly reduced height for the tower on SE 12th, and the addition of wood cladding. The Council commented that, with the setbacks and the wood siding, the massing on the south side appeared more contextually responsive. However, the Council still had several concerns, including:
  1. The contextual response on the north and east property lines;
  2. The impact of noise and light from the open stairwells on adjacent residents; and,

3. The impact of construction on adjacent properties, as well as the challenges of ongoing maintenance of cladding on the zero lot-line walls.

### III. Revised proposal submitted since the last hearing.

- a. **Submittals.** The appellant has now submitted a further revised design, and, as requested, a full set of design review drawings was submitted to BDS staff for review prior to this hearing. This package was forwarded to the Council, shared with interested parties, and uploaded to the City's web site for public access. This package included:
  - Cover letter describing the changes to date.
  - Revised set of drawings.
  - Revised findings.
  - Letter with Construction Work Plan.
  - Letter waiving 120 day and 365 day provision in ORS 227.178(5).
- b. **Preliminary Fire and Life Safety meeting.** As recommended by BDS, the appellant also held a Preliminary Fire and Life Safety meeting, and the minutes for this meeting are attached to this memo.
- c. **Revised design.** This revised design incorporates the changes appellant presented at the third hearing, as well as new revisions added, to respond to the Council's comments:
  1. **Setbacks on the property lines on the south, north and east**, including:
    - The 4' setback on the south property line with added windows;
    - New 3' setback along part of the north property line with added windows, and a 1'-6" setback for the remainder;
    - New 3' setback along part of the east property line adjacent to the Sturges property (property immediate north of the SE 12th Avenue lot);
  2. A slight **height reduction of the tower on SE 12<sup>th</sup>**;
  3. The addition of stained cedar **wood siding**;
  4. The provision of a **Construction Management Plan**; and,
  5. Like that offered to the neighbors to the south, the neighbor to the north was offered a **baseline evaluation** of their structure for comparisons of the conditions before, during and after construction.

### IV. How these revisions address the Council's concerns.

- a. The **setbacks** proposed provide the opportunity for a more contextual response at the sidewalls, and massing changes and windows have been added to help reduce the scale of the tall, exposed sidewalls. These setbacks also help address construction and maintenance concerns by allowing construction and maintenance to occur without necessarily imposing on the neighbors' properties. These setbacks would have been welcomed by the Design Commission during the Design Review process.
- b. The stained cedar vertical **wood siding** will provide a durable, more residential feel for the neighborhood;
- c. The **Construction Management Plan** addresses concerns about the impact of construction on the adjacent neighbors. It illustrates how the construction can occur without imposing on the neighbors' properties, if necessary, and, by switching to a less impactful foundation system, addresses concerns about impacts the construction might have on these adjacent structures;
- d. The **baseline evaluation** offered to the immediate neighbors will document existing conditions, as well as help the appellant's contractor develop recommendations for **construction protection measures and monitoring**, if necessary, to protect the foundations during construction. The appellant advised that the project will follow the reasonable recommendations of the study; and,

- e. In response to concerns about the **open stairwells**, several changes were made that flow from the increased setbacks, including moving the elevator shaft and adding the open walkways on upper floors. The stairways have been placed behind the walkways (as viewed from the Sturges property) to address concerns about the impact of lighting and noise from the open stairwells. The extent of these open areas has increased due to the relocation of the elevator shaft; however, these walkways are set back from the property lines by approximately 12'. New screening has not been added to the stairwells to preserve the passage of natural light between the building segments, which was desired by the neighbors.

#### **V. Staff Recommendation:**

- a. This site is in the Central City and has zoning allowances greater than those allowed directly across the street, which is outside of the Central City. These allowances allow larger scale development with the potential to have a greater impact on the surrounding built environment. With these larger allowances comes a greater responsibility to respond to context, therefore, a Design overly was added in these higher density areas.
- b. This site is also located at the very edge of the Central City Plan district, and additional guidelines were added here to ensure the transitional nature of the area is considered. These include:
  - **C3-1.** Design to Enhance Existing Themes in the District; and,
  - **C3-2.** Respect Adjacent Residential Neighborhoods.
- c. Given the small size of the site, the unusual shape of the lots, and the ambitious programming, from the start staff had major concerns with how the proposal would meet the Design Guidelines, as discussed with the appellant at the Pre-application conference. With this revised proposal, staff would have liked to have seen even further break down of the massing, which would have in turn allowed for more refinement of the composition.
- d. However, the changes that have been made help the design move closer towards meeting the guidelines. Based on these changes, staff feels most of the Council's concerns have been addressed, and it is now the city council's task to make the final findings on this case.

#### **VI. Alternatives Facing Council:**

- 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 request, thereby approving the appellant's revised proposal.
- Grant the appeal, and overturn the Design Commission's decision to deny the request, with added conditions of approval and/or further design revisions, thereby approving a revised proposal.

#### **Attachments:**

Preliminary Fire and Life Safety Meeting Minutes, held on August 3, 2017  
Letter to Priscilla Sturges, Tim Ramis, July 19, 2017

## Meeting Notes

707 SW Washington St  
Suite 1200  
Portland, Oregon  
97205 USA  
t 503 221 0150  
f 503 295 0840  
w ygh.com

**Project Name:** Ankeny Apartments  
**Project Number:** 105000  
**Topic:** FLS  
**Date & Time:** 08/03/2017  
**Location:** **BDS**

**Distribution:** Attendees listed in **bold text**

<b>Plans Examiner:</b> John Butler, COP	JB
<b>Plans Examiner:</b> David Bartley, COP	DB
<b>Fire Marshall:</b> Joe Thornton, COP	JT
<b>Design Review:</b> Grace Jeffreys, COP	GJ
<b>Architect:</b> Jerry Waters, YGH	JW
<b>Architect:</b> Brian Durban, YGH	BD
<b>Architect:</b> Yukari Kubo, YGH	YK

**Prepared by:** Brian Durban  
**Issue Date:** 08/03/2017  
**Notes:** Refer to attached drawings for reference

*The following represents YGH's understanding of discussions held, required action items, and decisions reached during the meeting. The minutes are organized by subject and ordered sequentially by section number and item number. Revisions should be communicated to YGH within one week of issue date.*

#	ISSUE DESCRIPTION	MEETING NARRATIVE	ACTION
1.1 Egress			
1	Overall Egress Path and Exiting	JB/DB/JT Saw no Issues except for what is mentioned below	CLOSED
2	North Exit Stair	<ol style="list-style-type: none"> <li>Needs 2-HR enclosure below 3-HR Lid of type 1A construction.</li> <li>An appeal will be required to see if this can exit directly into the lobby as is currently drawn, and with bike storage as shown</li> <li>An alternate exit from the 2-HR enclosure that eats into the bathroom to the north, exiting into a separated lobby might also work through appeal</li> <li>Finally, the stair could exit into an exit passageway per code to the exit.</li> </ol>	YK/BD/JW



3	We discussed if both stairs need to go to the upper roof.	JT/JB agreed only the north stair needs to go up to the upper roof that occurs at the North and Central towers. The south stair can stop at the East Tower roof.	CLOSED
4	We discussed if access around PV array could be allowed only on 3 sides.	JB confirmed in the solar code that access on 3-sides was all that was required	CLOSED
5	We discussed stairs and egress balconies not being required to be separated from the interior spaces per 1026.6(2)	JB/DB want to look into this code section further.	JB/DB

#### 1.2 Solar

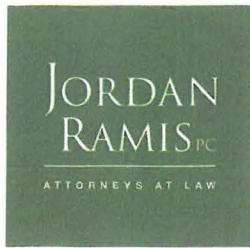
1	We discussed if access around PV array could be allowed only on 3 sides.	JB confirmed in the solar code that access on 3-sides was all that was required	CLOSED
---	--	---	--------

#### 1.3 Fire Separation

1	The light wells on the East Façade of the north tower will require an appeal. BD wanted to point that out to GJ	GJ acknowledged that Appeal.	CLOSED
2	GJ wanted to confirm the exterior wood siding was allowed.	BD sent email on 08/03/2017 at 1:00pm citing the code that allows Fire Retardant Treated Wood to go up to 60ft in height. The section is <b>1406.2.1, 3.</b>	CLOSED

#### 1.4 Other

1	Emergency Generator	<p>JT wanted to confirm that:</p> <ol style="list-style-type: none"> <li>1. Generator was Natural Gas Generator</li> <li>2. Would only be used for the Elevator</li> <li>3. Back-Up Batteries would be used for lighting</li> </ol> <p>JB commented to search for the Precision Keywords, "Generator Exhaust" to find Appeal Precedents for Intake/Exhaust of Generator Room</p>	CLOSED
---	---------------------	--	--------

**Lake Oswego**

Two Centerpointe Dr., 6th Floor  
Lake Oswego, OR 97035  
503-598-7070  
[www.jordanramis.com](http://www.jordanramis.com)

**Vancouver**

1499 SE Tech Center Pl., #380  
Vancouver, WA 98683  
360-567-3900

**Bend**

360 SW Bond St., Suite 510  
Bend, OR 97702  
541-550-7900

July 19, 2017

Priscilla Sturges  
1806 Birch Ln.  
Newberg, OR 97132

Re: **Ankeny Apartments**  
Our File No. 53706-75699

Dear Ms. Sturges:

I am writing again on behalf of my client, Landon Crowell to follow up on the revised architectural drawings that were mailed to you on July 7<sup>th</sup>. Those drawings showed increased setbacks across from the south boundary of your property, new windows facing your property, and cedar siding, and we appreciate you taking the time to review them. From your voice mail today, we understand that these changes are not sufficient to win your support; however there is some time until the city council hearing, and please let us know if your thoughts change.

If the City approves the application, Mr. Crowell will include several features that will benefit your property, regardless of whether you withdraw your opposition. The first is to provide the services of a company that will carefully document the existing condition of your house. This will establish a baseline that allows clear comparisons of the conditions before, during and after construction of the Ankeny Apartments. The study will include a foundation study by a structural engineer to determine its condition and develop recommendations for construction protection measures and monitoring if necessary to protect the foundation during construction. The structural engineer will be selected by mutual agreement, and the study will be done at no cost to you. The project will follow the reasonable recommendations of the study, again at no cost to you.

The primary risk of new construction to your property is the during the excavation and foundation stages. To minimize that risk, there is no basement and therefore no need for deep excavations or shoring around the perimeter of the site. The foundation itself is the augur-cast piling type. Unlike traditional piles, which are pounded into the ground causing noise and vibration impacts, with this method holes are drilled into the ground, thus reducing the noise impact and eliminating the vibration completely. Then concrete is simply poured into the holes, and the building rises from there.

Construction would be most convenient with a temporary construction easement, and Mr. Crowell and I would be happy to meet with you regarding the details, including compensation. Even without this easement, zero lot line construction is feasible, and is already planned for the west side of the project, where existing low rise commercial buildings are present right on the property line. Tax lot 600, a

Priscilla Stuges  
July 19, 2017  
Page 2

mostly vacant triangular parcel just across Ankeny from the site, will be used for staging and prefabrication. The prefabricated wall panels and other materials can be craned from tax lot 600 over to the new building, allowing the building to be raised without access from the sides. Narrow sites do present construction challenges, and thank you for your comments as we work through this aspect of the project planning.

Thank you for your courtesies in this matter.

Sincerely,

JORDAN RAMIS PC



Timothy V. Ramis  
*Admitted in Oregon*  
tim.ramis@jordanramis.com  
OR Direct Dial (503) 598-5573

Enclosure

cc w/o enc: Landon Crowell (via e-mail)