

Moore-Love, Karla

From: Jeffreys, Grace
Sent: Monday, June 26, 2017 12:31 PM
To: Council Clerk – Testimony
Cc: Jerry Waters; Yukari Kubo; Brian Durban
Subject: RE: LU 16-184524 DZM Ankeny - City Council Updated Drawings
Attachments: ANKENY PLANS 2017_0622.pdf

Please find attached additional testimony (drawings) that applicant presented at the hearing to the city council on June 21.

From: Yukari Kubo [mailto:YukariK@ygh.com]
Sent: Thursday, June 22, 2017 12:05 PM
To: Brian Durban <BrianD@ygh.com>; Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>
Cc: Jerry Waters <JerryW@ygh.com>
Subject: RE: Ankeny - City Council Updated Drawings

Grace,

Here are the plans Brian mentioned.
Let us know if you need anything else.

Thank you,

Yukari

Yukari Kubo | Associate AIA, LEED AP BD+C
Yost Grube Hall Architecture | 707 SW Washington St., Suite 1200 | Portland, OR 97205 USA
t 503 221 0150 | d 503 715 3238 | w ygh.com
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Electronic information may be altered and cannot be guaranteed.



From: Brian Durban
Sent: Thursday, June 22, 2017 10:39 AM
To: Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>
Cc: Jerry Waters <JerryW@ygh.com>; Yukari Kubo <YukariK@ygh.com>
Subject: RE: Ankeny - City Council Updated Drawings

Sure. The unit layouts have not been updated, so they will look like they are missing interior partitions and furniture, etc... These plans have not been cleaned up since the modeling changes either, so they may look a little rough, but should give you what you're looking for.

I am working on a deadline for another project right now, but will get you those this afternoon.

Thanks,

Brian Durban
t 503 221 0150 | d 503 715 3253 | w ygh.com

From: Jeffreys, Grace [mailto:Grace.Jeffreys@portlandoregon.gov]
Sent: Thursday, June 22, 2017 10:35 AM
To: Brian Durban <BrianD@ygh.com>
Subject: RE: Ankeny - City Council Updated Drawings

Brian,
Seems to be missing plans above the ground floor. Can you send these as well? I understand that these are in draft form, just want to use them to understand the massing.
Grace

From: Brian Durban [mailto:BrianD@ygh.com]
Sent: Wednesday, June 21, 2017 5:18 PM
To: Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>
Subject: RE: Ankeny - City Council Updated Drawings

Glad they made it this time 😊

Brian Durban
t 503 221 0150 | d 503 715 3253 | w ygh.com

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From: Jeffreys, Grace [mailto:Grace.Jeffreys@portlandoregon.gov]
Sent: Wednesday, June 21, 2017 5:14 PM
To: Brian Durban <BrianD@ygh.com>; Heron, Tim <Tim.Heron@portlandoregon.gov>
Cc: Bob Zimmerman <BobZ@ygh.com>; Jerry Waters <JerryW@ygh.com>; Yukari Kubo <YukariK@ygh.com>; Landon Crowell <landonsown@gmail.com>
Subject: Re: Ankeny - City Council Updated Drawings

Thanks Brian, I have downloaded these.

Sent using OWA for iPhone

From: Brian Durban <BrianD@ygh.com>
Sent: Wednesday, June 21, 2017 4:33:43 PM
To: Heron, Tim; Jeffreys, Grace
Cc: Bob Zimmerman; Jerry Waters; Yukari Kubo; Landon Crowell
Subject: Ankeny - City Council Updated Drawings

Tim/Grace,

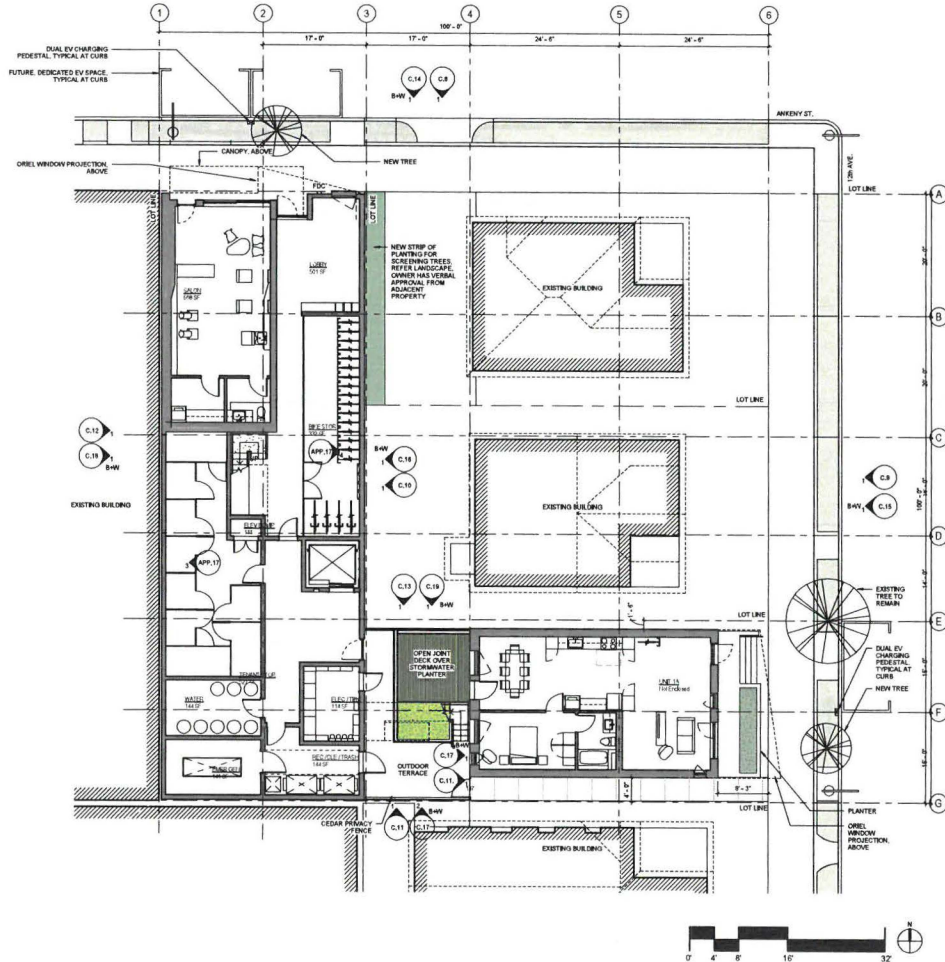
Please find attached the updated drawings in a compressed format, as well as a link to an uncompressed format below. The link will expire in 1 week.

Link: <https://we.tl/ppBjElm9wa>

Thanks,

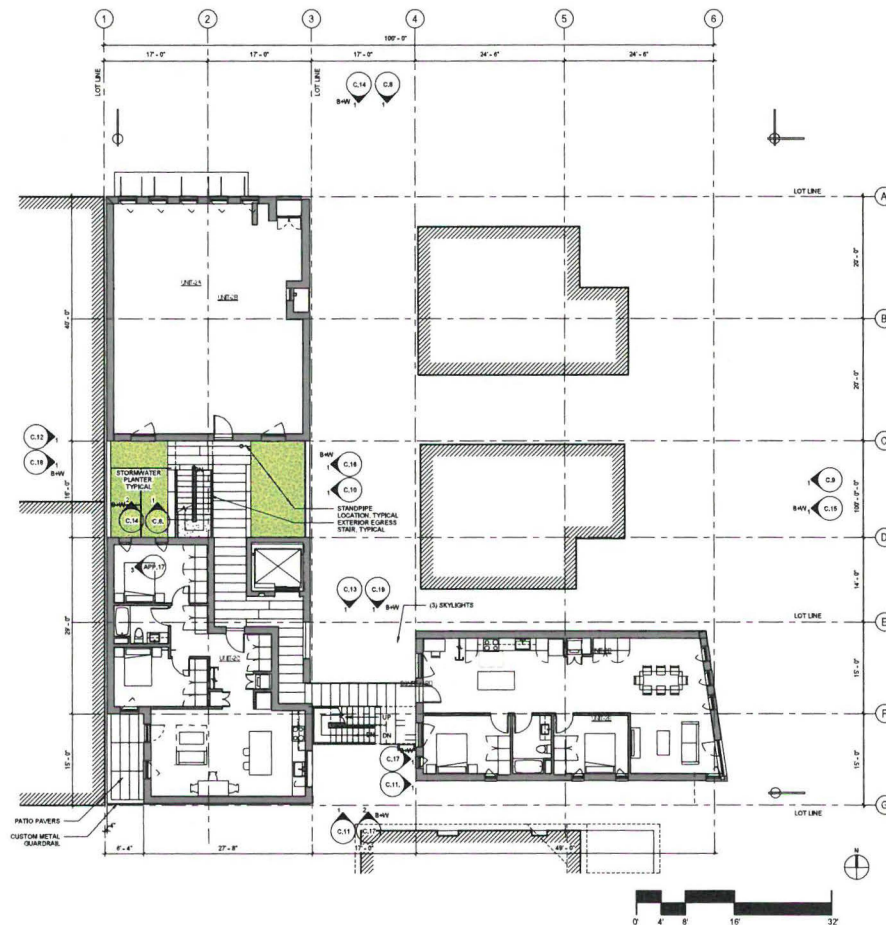
Brian Durban
Yost Grube Hall Architecture | 707 SW Washington St., Suite 1200 | Portland, OR 97205 USA
t 503 221 0150 | d 503 715 3253 | w ygh.com

LEVEL 1 - JUNE 22, 2017



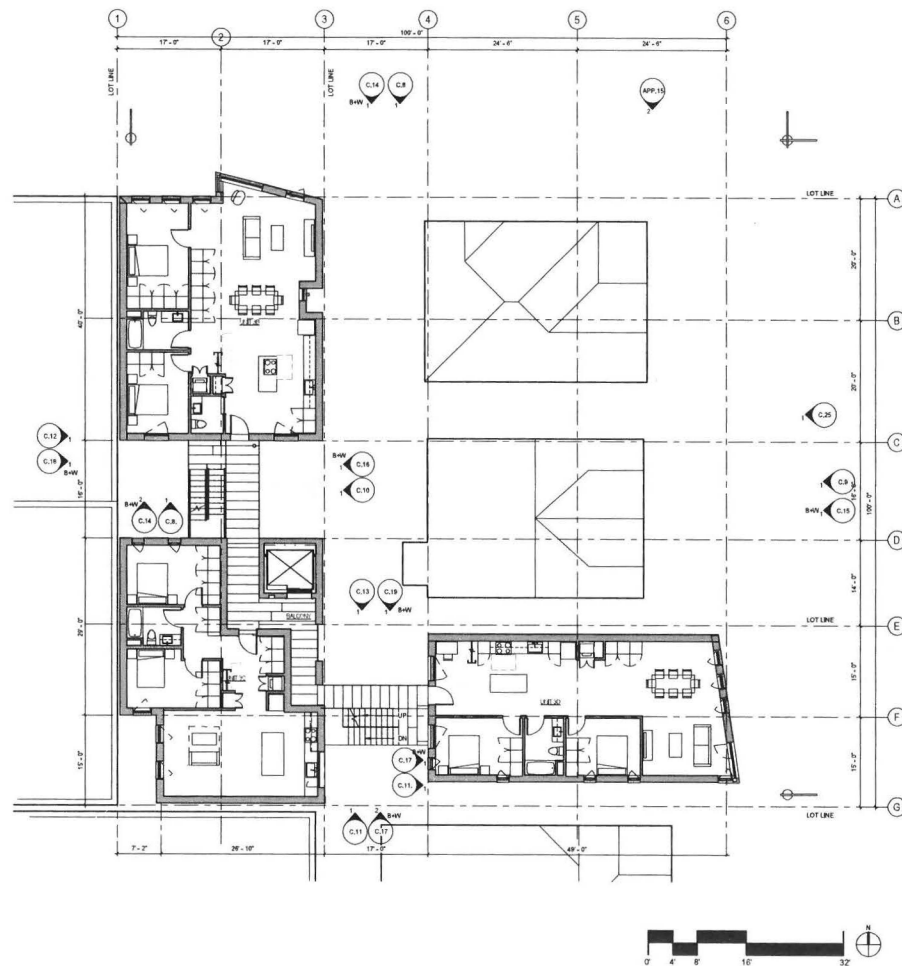
YOST GRUBE HALL ARCHITECTURE
707 SW WASHINGTON STREET

LEVEL 2 - JUNE 22, 2017



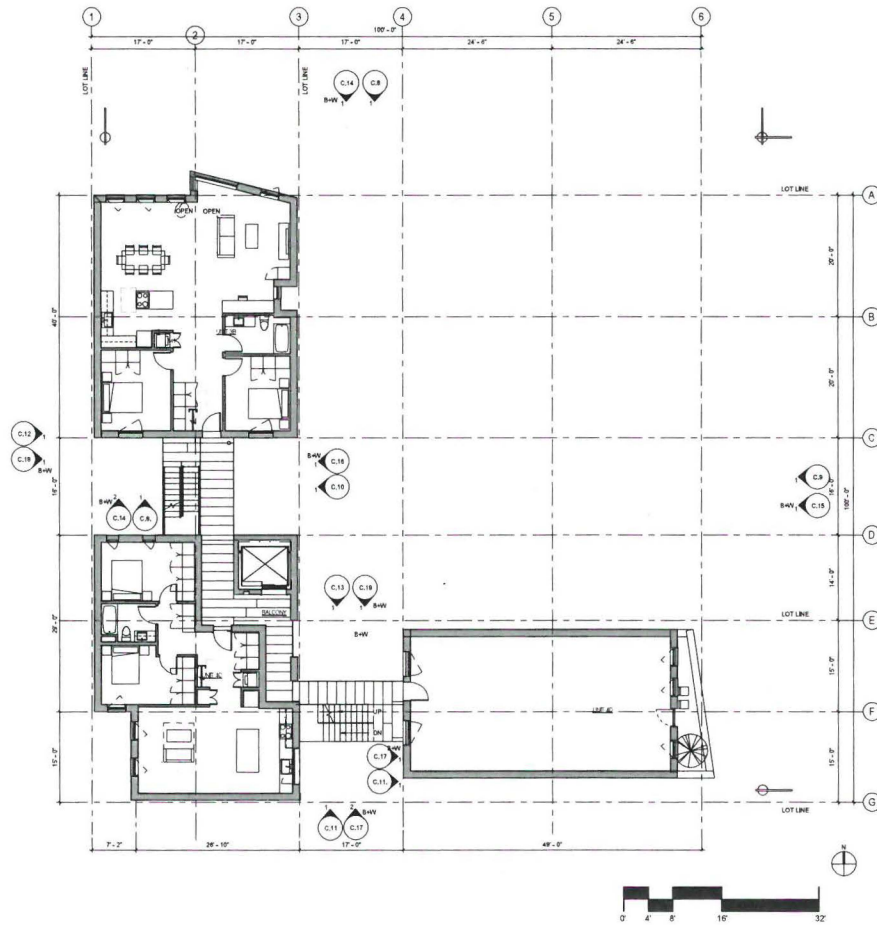
YOST GRUBE HALL ARCHITECTURE
707 SW WASHINGTON STREET

LEVEL 3 - JUNE 22, 2017



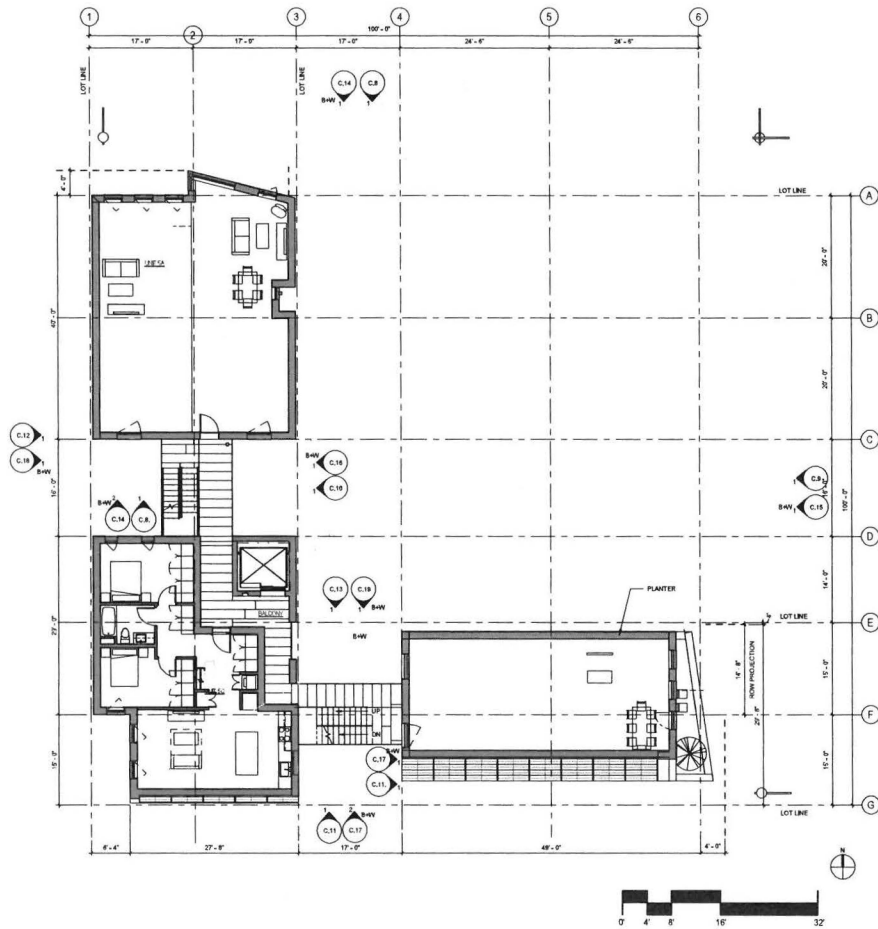
YOST GRUBE HALL ARCHITECTURE
707 SW WASHINGTON STREET

LEVEL 4 - JUNE 22, 2017



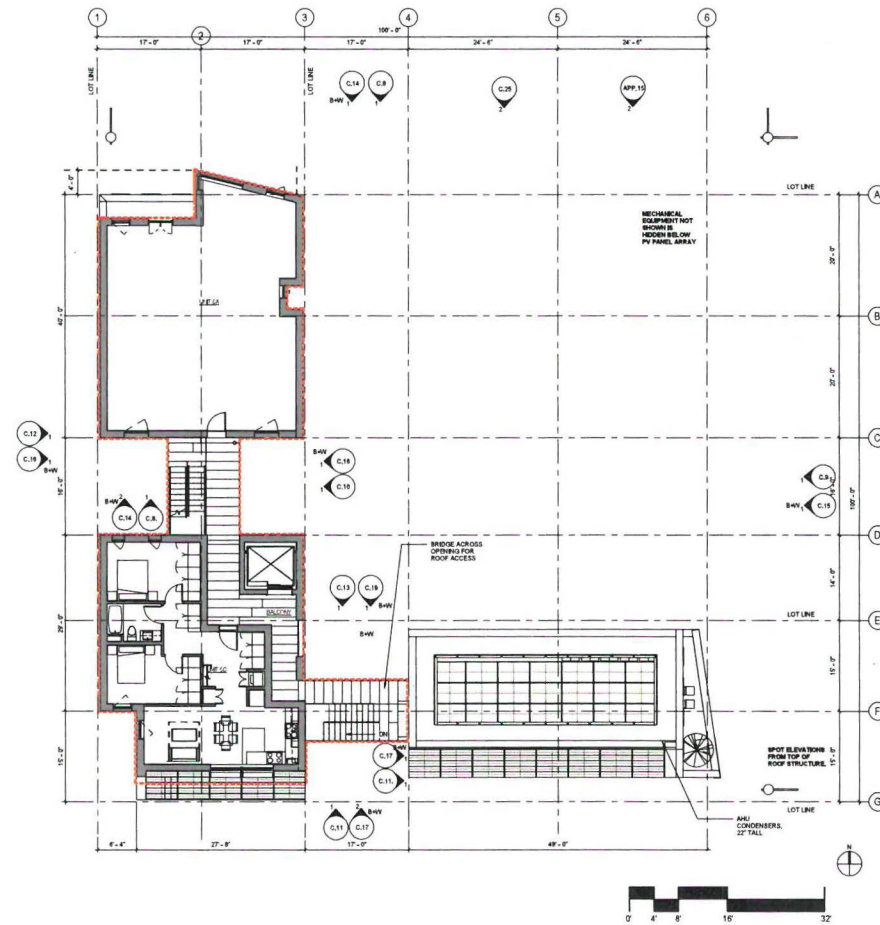
YOST GRUBE HALL ARCHITECTURE
707 SW WASHINGTON STREET

LEVEL 5 - JUNE 22, 2017

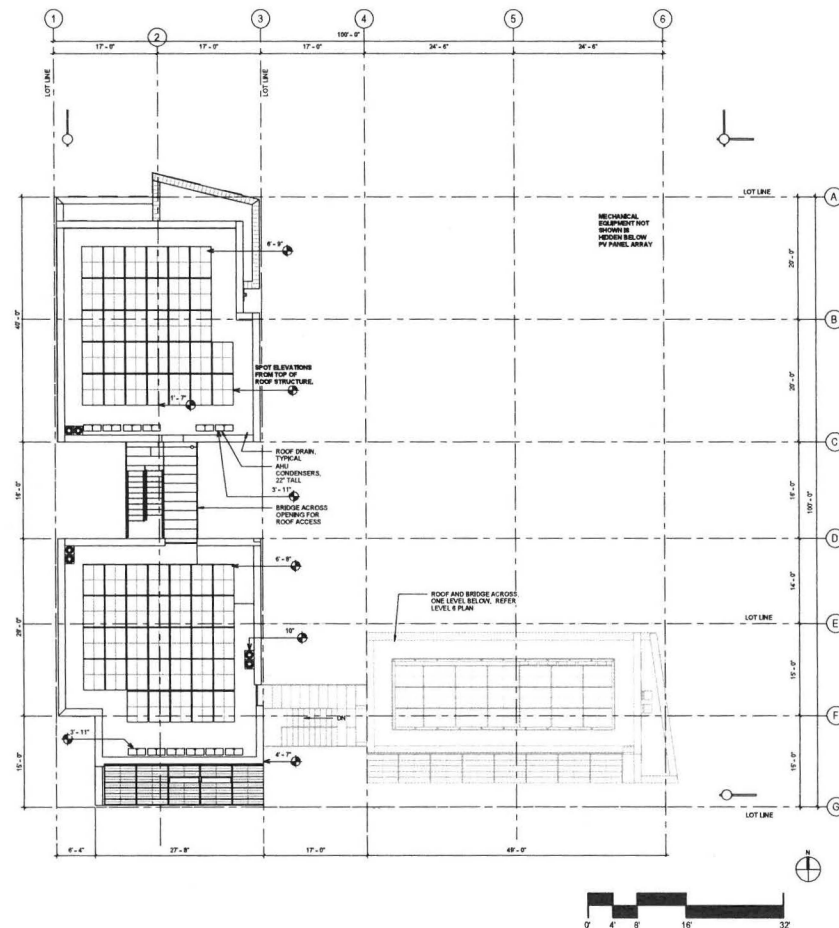


YOST GRUBE HALL ARCHITECTURE
707 SW WASHINGTON STREET

LEVEL 6 - JUNE 22, 2017



ROOF - JUNE 22, 2017



YOST GRUBE HALL ARCHITECTURE
707 SW WASHINGTON STREET

Moore-Love, Karla

From: Jeffreys, Grace
Sent: Monday, June 26, 2017 12:29 PM
To: Council Clerk – Testimony
Subject: FW: Testimony for LU 16-184524 DZM – Ankeny Apartments, Return to City Council June 21.
Attachments: 1500008-SB-OUT.PDF

Please find attached additional testimony for this case. This is an existing survey.

From: Bob Zimmerman [mailto:BobZ@ygh.com]
Sent: Tuesday, June 13, 2017 12:03 PM
To: Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>; Landon Crowell <landonsown@gmail.com>
Cc: Tim Ramis <Tim.Ramis@jordanramis.com>; Jerry Waters <JerryW@ygh.com>; Mary Elizabeth Roberts <maryelizabeth.roberts0@gmail.com>; Stephenson, Garrett H. <GStephenson@SCHWABE.com>; Mikey B <ganaonpub@gmail.com>; Joy Lewis <avidyoj@gmail.com>; wgep.ent.1@gmail.com; Brian Durban <BrianD@ygh.com>
Subject: RE: Testimony for LU 16-184524 DZM – Ankeny Apartments, Return to City Council June 21.

Please find attached survey produced for Ankeny Apartments project by kpff.

Bob Zimmerman, AIA | Principal
Yost Grube Hall Architecture | 707 SW Washington Ave., Suite 1200 | Portland, OR 97205 USA
t 503 221 0150 | d 503 715 3247 | w ygh.com

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From: Jeffreys, Grace [mailto:Grace.Jeffreys@portlandoregon.gov]
Sent: Monday, June 12, 2017 11:31 AM
To: Landon Crowell <landonsown@gmail.com>
Cc: Tim Ramis <Tim.Ramis@jordanramis.com>; Bob Zimmerman <BobZ@ygh.com>; Jerry Waters <JerryW@ygh.com>; Mary Elizabeth Roberts <maryelizabeth.roberts0@gmail.com>; Stephenson, Garrett H. <GStephenson@SCHWABE.com>; Mikey B <ganaonpub@gmail.com>; Joy Lewis <avidyoj@gmail.com>; wgep.ent.1@gmail.com; Fioravanti, Kara <Kara.Fioravanti@portlandoregon.gov>; Heron, Tim <Tim.Heron@portlandoregon.gov>
Subject: RE: Testimony for LU 16-184524 DZM – Ankeny Apartments, Return to City Council June 21.

Landon,

As agreed at the Adjacent Neighbor meeting held on May 18, 2017, please provide a copy of your survey for your neighbors.

Grace

From: Jeffreys, Grace
Sent: Monday, June 05, 2017 3:03 PM
To: Moore-Love, Karla <Karla.Moore-Love@portlandoregon.gov>
Cc: Landon Crowell <landonsown@gmail.com>; Tim Ramis <Tim.Ramis@jordanramis.com>; Bob Zimmerman <BobZ@ygh.com>; Jerry Waters <JerryW@ygh.com>; Mary Elizabeth Roberts <maryelizabeth.roberts0@gmail.com>; Stephenson, Garrett H. <GStephenson@SCHWABE.com>; Mikey B <ganaonpub@gmail.com>; Joy Lewis <avidyoj@gmail.com>; 'wgep.ent.1@gmail.com' <wgep.ent.1@gmail.com>; Fioravanti, Kara

<Kara.Fioravanti@portlandoregon.gov>; Heron, Tim <Tim.Heron@portlandoregon.gov>

Subject: Testimony for LU 16-184524 DZM – Ankeny Apartments, Return to City Council June 21.

Karla,

At the first Council hearing date of April 12, 2017, the City Council requested the appellant to have two meetings, one with the Neighborhood Association and one with the immediately adjacent neighbors. These meetings have both been held. Please find attached minutes from these meetings, taken by Bureau of Development Services:

1. **Meeting with the Buckman Community Association**, Monthly Land Use Meeting, April 20, 2017
2. **Meeting with Adjacent Neighbors**, May 18, 2017

Please share these with the City Council in preparation for the upcoming return hearing, rescheduled to June 21, 2017.

Grace

Grace Jeffreys *LEED AP BD+C*

Design Review | Historic Resource Review

City of Portland | Bureau of Development Services

1900 SW 4th Avenue | Suite 5000 | Portland, OR 97201

p: 503.823.7840

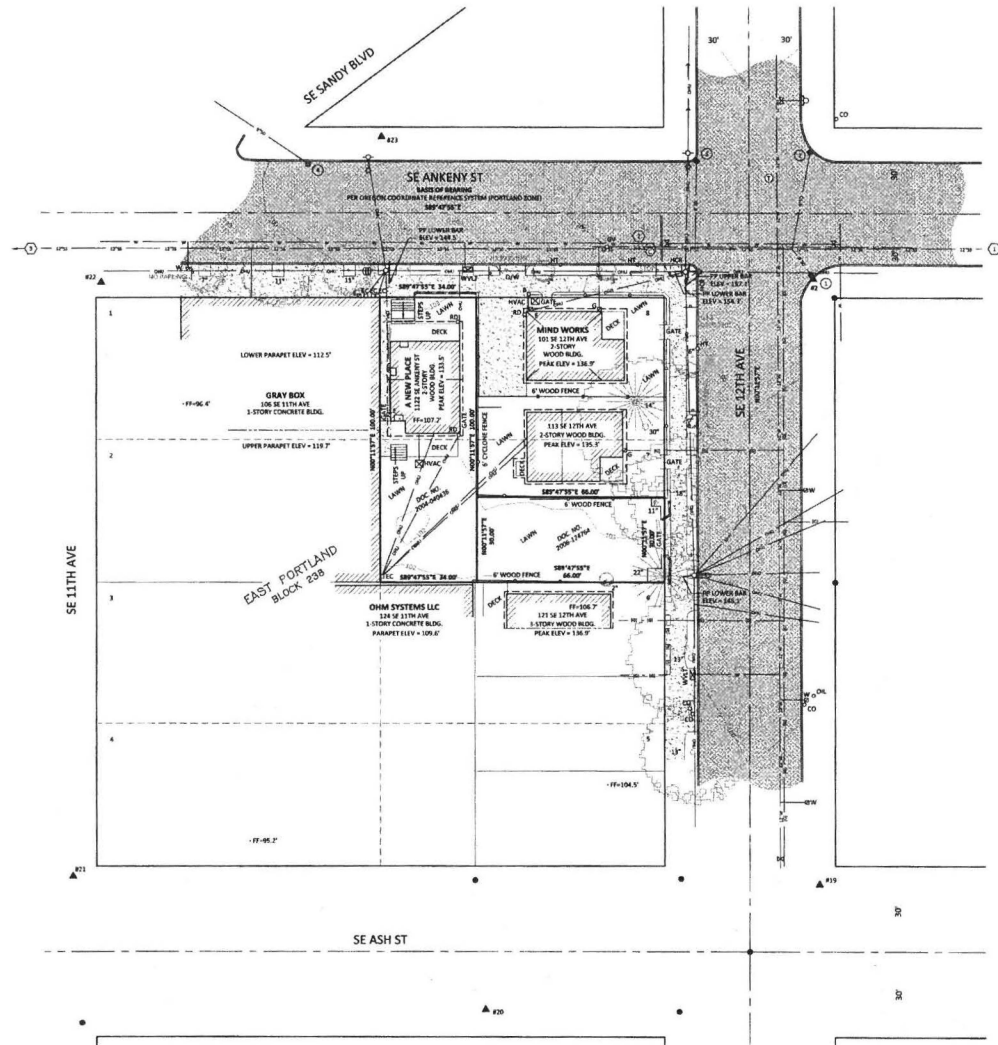
e: grace.jeffreys@portlandoregon.gov

w: www.portlandonline.com/bds

Work Hours: Monday through Friday, 8:00 am to 5:30 pm

BOUNDARY AND TOPOGRAPHIC SURVEY

A PORTION OF LOTS 7 & 8, BLOCK 238, "EAST PORTLAND"
LOCATED IN THE SW QUARTER OF SECTION 35
TOWNSHIP 1 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
FIELD SURVEYED: JANUARY 11, 2016



NOTES:

- 1) VERTICAL DATUM: CITY OF PORTLAND
BENCHMARK: 2 1/2 INCH BRASS DISK AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF E BLUNDELL STREET AND SE 16TH AVENUE.
BENCHMARK NO. 3475 ELEVATION = 124.912'
- 2) BASIS OF BEARINGS FOR THIS SURVEY IS THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), PORTLAND ZONE. THE RESULTANT BEARING OF THE CENTERLINE OF SE JANEY STREET IS SOUTH 89°47'53" EAST.
- 3) BOUNDARY SHOWN HEREON IS BASED ON L&A AND ENCUMBRANCE REPORT NUMBERS 45141800392 AND 45141800396 BY FIDELITY NATIONAL TITLE COMPANY OF OREGON, EFFECTIVE DATES DECEMBER 31, 2015. SAID REPORTS LIST NO EASEMENTS ON THE SUBJECT PROPERTY.
- 4) UTILITY LOCATIONS SHOWN ARE PER FIELD LOCATED UTILITY PAINT MARKS & REFERENCE MAPS MADE AVAILABLE BY THE VARIOUS UTILITY PROVIDERS. LINES INDICATED DEPTHS OF UTILITY LINES ARE NOT AVAILABLE. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED (POTHOLES) PRIOR TO CONSTRUCTION.
- 5) ACCESS TO LOTS 6 & 113 OF 12TH AVENUE LOTS NOT GRANTED. INFORMATION SHOWN IS BASED ON BEST AVAILABLE DATA OBTAINED FROM OFFSITE POSITION.

LEGEND:

- BUILDING OUTLINE WITH DOOR
- CONCRETE SURFACE
- ASPHALT SURFACE
- WALL
- BUILDING PEAK LINE (APPROX)
- BUILDING OVERHANG
- RIGHT-OF-WAY LINE
- RIGHT-OF-WAY CENTERLINE
- PROPERTY LINE
- CYCLOPEE FENCE
- WOOD FENCE
- STORM LINE
- SANITARY SEWER LINE
- WATER LINE
- GAS LINE
- UNDERGROUND UTILITY LINES
- UNDERGROUND LINE PER AS-BUILT
- SPOT
- ROLLAGE
- DIAGONAL ENTRY
- HANDICAP RAMP
- DRIVE KACK
- ROOF DRAIN
- ELECTRICAL METER
- ELECTRICAL CABINET
- GUT ANCHOR
- POWER POLE
- POWER POLE/UNDERHEAD LIGHT
- GAS VALVE
- GAS METER
- SANITARY/STORM MANHOLE WITH STRUCTURE
- CATCH BASIN/AREA DRAIN
- SANITARY/STORM CLEAN OUT
- SANITARY/STORM STRUCTURE #
- TELECOMMUNICATIONS MANHOLE
- WATER VALVE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- HOSE BIB
- OIL LID
- HORSE TR
- DISCREETIVE TREE
- PERIMETER REPRESENTS DRUPLINE
- CONSPICUOUS TREE
- PERIMETER REPRESENTS DRUPLINE
- MONUMENT
- PROJECT CONTROL POINT

STORM TABLE:

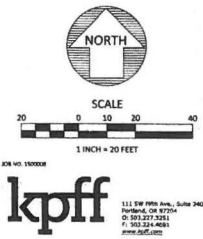
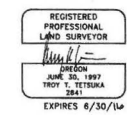
- 1) CATCH BASIN
RIM = 108.80'
IF 8" OUT (NW) = 104.14'
- 2) CATCH BASIN
RIM = 108.67'
IF 8" OUT (SW) = 104.72'
- 3) CATCH BASIN
RIM = 108.17'
IF 8" OUT (SE) = 104.12'
- 4) CATCH BASIN
RIM = 108.00'
IF 8" OUT (NW) = 99.77'

SANITARY TABLE:

- 1) CONCRETE MANHOLE
RIM = 115.74'
IF 12" IN (E) = 119.34'
- 2) CONCRETE MANHOLE
RIM = 108.67'
IF 12" IN (E) = 99.97'
- 3) CONCRETE MANHOLE
RIM = 99.97'
IF 8" IN (NW) = 91.13'
IF 12" IN (E) = 84.30'
- 4) CONCRETE MANHOLE
RIM = 84.17'

PROJECT CONTROL:

STATION	DESCRIPTION	NORTHING	EASTING	ELEVATION
2	1-1/2" BRASS CAP "KIPP" CONTROL	172127.82	352813.17	106.34'
19	1-1/2" BRASS CAP "KIPP" CONTROL	172954.02	352814.38	98.36'
20	1-1/2" BRASS CAP "KIPP" CONTROL	171670.63	352806.84	94.70'
21	1-1/2" BRASS CAP "KIPP" CONTROL	171917.87	352851.59	90.11'
22	1-1/2" BRASS CAP "KIPP" CONTROL	172126.83	352842.56	96.45'
23	1-1/2" BRASS CAP "KIPP" CONTROL	172177.79	352841.80	102.40'



REV	DATE	BY	DESCRIPTION



111 SW 7th Ave., Suite 2400
Portland, OR 97204
O: 503.227.2261
F: 503.224.4681
www.kpff.com

SURVEYED BY: TR/JW
DRAWN BY: NIL
CHECKED BY: TTT
PROJECT NO.: 1500008
FILE: 1500008_SB.DWG

BOUNDARY AND TOPOGRAPHIC SURVEY
SE 12TH AND ANKENY
LONDON CROWELL
CITY OF PORTLAND / MULTNOMAH COUNTY / OREGON


DATE: FEBRUARY 3, 2016
CONTOUR INTERVAL: 3 FOOT
SHEET NO.
1 OF 1

**OPPOSE
PROPOSAL****APPEAL OF LANDON CROWELL ANKENY ST APARTMENTS****TESTIMONY ON REVISED PROPOSAL- LU 16-184524 DZM**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

		
Bill Phillips	113 SE 12 th Ave Pkld, OR	
Joy Lewis	113 SE 12 th Ave Pkld, OR	
✓ Priscilla Sturges	113 S.E. 12 th Ave Port. 97214	
✓ MARY SIPE		

**SUPPORT
PROPOSAL****APPEAL OF LANDON CROWELL ANKENY ST APARTMENTS
TESTIMONY ON REVISED PROPOSAL- LU 16-184524 DZM**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ GARRETT STEPHENSON	1211 SW 5th Ave, Ste 1900 Portland, OR 97204	gstephenson@schwab.com
spoke Tim Ramer	2 Centepoint Drive 6th Floor Lake Oswego	Tim.ramer@jordanramis.com
Kristin Malone	9408 N Edison 97203	kmalone@gm5k.edu

Moore-Love, Karla

From: Jeffreys, Grace
Sent: Friday, June 09, 2017 2:53 PM
To: Moore-Love, Karla
Cc: Joseph Schaefer
Subject: FW: LU 16-184524 - Ankeny Apartments
Attachments: 2675281_1.pdf

Karla,

Please find attached additional testimony for the upcoming appeal hearing for the Ankeny Apartments.

Grace

From: Joseph Schaefer [mailto:joseph.schaefer@jordanramis.com]
Sent: Friday, June 09, 2017 2:42 PM
To: Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>
Cc: Tim Ramis <Tim.Ramis@jordanramis.com>; Landon Crowell <landonsown@gmail.com>; Bob Zimmerman <BobZ@ygh.com>; Jerry Waters <JerryW@ygh.com>; Brian Durban <BrianD@ygh.com>
Subject: LU 16-184524 - Ankeny Apartments

Grace:

Attached are the applicant's proposed findings, along with a cross section drawing to illustrate the massing reductions for the east wing.

Have a nice weekend, and good luck with the meeting on Monday.

JOSEPH SCHAEFER | Land Use Planner
Jordan Ramis PC | Attorneys at Law
Direct: 503 598-5584 Main: 503 598-7070
Cell: 503 819-4764

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MEMORANDUM

Date: June 9, 2017
To: Portland City Council
From: Tim Ramis, Counsel for Applicant
Tim.ramis@jordanramis.com | 503-598-5573
Re: LU16-184524 DZM – Ankeny Apartments

Proposal:

Subsequent to the first City Council hearing, the massing for the east wing of this new 5- to 6-story, apartment building was reduced, lowering the number of apartments from 17 to 15. Additional design changes were made at the request of the neighbors to emphasize the residential character of the building in order to better blend with adjacent residential properties, including the use of cedar cladding. The specific massing changes are a reduction in the parapet height of the east wing from 61 feet 11 eleven inches down to 58 feet, and narrowing the width of the east wing from 29 feet 4 inches down to 24 feet 6 inches, which creates a 4 foot south side setback and an 18" north side setback. These massing accommodations reduce the unit count from 17 apartments to 15 apartments. This narrative explains compliance of the revised design with the applicable approval criteria.

The approval criteria are the Central City Fundamental Design Guidelines, the Special Design Guidelines for the Design Zone of the Central Eastside District, and Modifications Through Design Review, 33.825.040.

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.

Neighborhood Review: Subsequent to the first City Council hearing, the project was presented to the Buckman Neighborhood Association on April 20, 2017. On May 18, a meeting was held with several neighbors and numerous city officials. Subsequent smaller meeting were held with neighbors to present preliminary architectural sketches, and counsel for the applicant and Ms. Roberts have communicated frequently as well.

Following receipt of input from the neighbors, the architectural design was substantially revised in several important respects. Regarding massing, the east wing of the building (facing SE 12th, adjacent to smaller scale residential neighbors) was reduced in both height and width. The height at the parapet was reduced to 58" above adjacent grade, and the width (the north-south cross section, as viewed from NE 12th Ave) was reduced from 30 feet to 24.5 feet, resulting in a loss of two apartments. The width reduction creates a four foot (4') south side setback and an eighteen inch (18") north side setback, where no setbacks are required by the EXd zoning. These additional setbacks will continue the existing pattern of approximately six foot (6') to eight foot (8') separation between adjacent buildings on this block. The

intended plaster and metal exterior cladding does create an industrial feel, and many residential neighbors requested a change in cladding materials to reflect the residential character of the area. Significant portions of the exterior cladding below 60' in height are therefore changed to cedar with a weathering pretreatment process. The lobby is relocated from SE 12th to SE Ankeny, and thus the ground level on SE 12th has just one entrance to the ground level apartment, which enhances the smaller scale residential character along SE 12th.

The massing changes and other new design concepts are supported by the neighbors to the south. They have been presented to the neighbors to the south, although no response has been received to date. The attached cross section highlights the massing changes for the east wing. Additional architectural plans reflecting the revisions approved by the neighbors to the south are being drafted as of this writing, and will be presented at the next City Council hearing. The applicant provides the following narrative findings to demonstrate how the new design satisfies the design review criteria.

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.

Finding: The design guidelines for this site are the Central City Plan Fundamental Design Guidelines, and the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan.

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, and mix with residential uses of various types. 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 the Central Eastside District.

- 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

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.

The applicant has considered all guidelines and has addressed only those guidelines applied to this project by staff and the Design Commission.

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: The project uses sustainable features, the heavy steel plate at the ground level and cedar above, and an active frontage to emphasize Portland and East Portland Themes. This is a Net-Zero energy building, 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 on the roof will offset the remaining electrical load.

The cedar cladding is intended to bridge and unify the Central Eastside character of cohabitating residential life with industrial character. The ground level consists of a densely spaced board on board siding along with a champagne steel panel for an industrial feel and durability at the pedestrian level.

This project is located with excellent 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: The proposal is a transitional building between the more industrial area of the Central East Side to the southwest, the new large-scale housing developments to the north and northeast, and the smaller scale residential neighborhood to the east through several gestures: heavy steel plate at ground level (see Findings for A2 above); the cedar cladding; and 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.

Development along SE 12th consists of an eclectic mix of architectural styles and cladding materials. The proposed building will be clad, primarily, in vertically-oriented cedar siding. Though in general, wood as a primary exterior cladding may not be appropriate in the Central City Plan District, the use of this material here relates both to other mixed-use buildings in the vicinity as well as nearby lower-scale residential buildings and helps to integrate the building into this portion of the Central Eastside.

The right-of-way improvements are consistent with PBOT's classification of SE Ankeny and SE 12th, which are part of the adopted TSP which integrates the features of the Central Eastside in the street standards which govern this project. This building reflects the contextual precedents of neighboring structures, such as the contemporary mid-rise residential buildings at 1208 SE Ankeny and 1250 E Burnside, and the approved Burnside Delta project. These guidelines are met.

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

Finding: The utility services for this building will be underground. Electric service to the building will be underground, below the sidewalk, and routed to the electrical room via buried conduit. The transformer for this small site with narrow street frontages is not proposed to be underground, because that would require placement of additional poles on the sidewalk where the undergrounding begins and ends, creating a net increase in the number of poles on the block. The applicant has indicated early communications with PGE about the proposed building's power needs, and advised that PGE is 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.

Finding: 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.

Finding: 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.

Finding: 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 SE Ankeny 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 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.

Finding: 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 SE 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.

Finding: 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: 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.

Finding: 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 at each entry ensure 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: 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.

Finding: 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.

Finding: 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 SE 12th 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: 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.

Finding: The developer 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.

The cladding materials include metal panel, board on board cedar, and heavy metal plate at the ground level. All of these materials have a long history of durability in this climate and promote permanence.

Cedar will be installed vertically, board on board to comprise the majority of the building's exterior. The cedar siding will be prepared with a weathering pretreatment process to increase the durability and weather-resistance of the wood. Also, in regards to durability, no horizontal or partially-horizontal, angled surfaces are proposed, which helps to improve the permanence, as these types of surfaces are subject to greater weathering than vertical surfaces or soffits.

This guideline is met.

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: 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 houses converted to apartment 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.

As compared with the original design, the project has substantive changes to the massing, scale and bulk of the sidewalls, including the configuration of the open stairwells. The street-facing facades on 12th & Ankeny now better respond to the architectural character and development patterns of the adjacent area. 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, resulting in a building that is by necessity mostly side walls. This zone has no side setback requirement, and most substantial projects in the future are anticipated to be zero lot line buildings with blank walls on side lot lines. This design successfully adapts to that future to facilitate the future development of this block.

Coherency is achieved with the use of consistent materials throughout the six building facades and the three building segments that are separated by the two open stairwells. Cladding, windows, door materials and the copious solar panels on the roofs link the building segments in a complete composition. These guidelines are 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.

Finding: 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.

Finding: 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. Champagne colored steel plate is 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.

Finding: Due to the limited 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: 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, as described in the 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.

Finding: 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 located to allow for a maximized area of solar PV panels. The shape of the roof is articulated to maximize the amount and efficiency of the solar panels, expressing the design concept 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.

Finding: 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, visible to the rear windows and yards of the adjacent free-standing residential structures. Returns were added to the light fixtures to better control the direction of the lighting (Exhibit C41) and reduce lighting impacts on the neighbors' 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".

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.

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.

Finding: 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.

Finding: 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.)

Finding: The maximum projection is 4'-0" for both oriels. As shown on the architectural drawings, the minimum clearance above grade is above the 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.

Finding: 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.

Finding: 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.

Finding: 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. The SE Ankeny projection has 38% front-wall glazing and over 10% side wall glazing. The 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.

Finding: The proposed projections are under 40% of the wall areas and do not exceed 50% of the building wall lengths as noted above. The proposed projections are over the 12' maximum width allowed: for SE Ankeny, 15'-9.5"; and for 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 to 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.

Finding: There is only one window projection proposed on each elevation. This criterion is 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

Design Review promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. There are many aspects of the proposal that are admirable, such as the net zero goals, and providing 15 new housing units where only one exists today.

The proposed four-story, mixed-use retail/residential building in the Central Eastside Subdistrict of the Central City Plan District incorporates a massing strategy, articulation, and patterning that add to the eclectic character of development along SE 12th Ave, and the cedar cladding helps to mediate the

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transition between the more-industrial uses to the west of the site and the residential uses to the east, south, and north of the site. The proposal evolved through the design review process to provide active ground floors with setbacks and canopies for pedestrian activation, quality materials and details to ensure permanence, and compositional moves on the two street elevations to reduce the apparent scale of the proposal from the street frontages.

Following the first City Council hearing, further changes were made to reduce the scale of the east wing in response to input from neighbors, such as reducing the parapet height, adding a four foot south side setback, and adding an eighteen inch north side setback, to better align the scale of that wing with neighboring residential structures. Previously staff expressed maintenance concerns about wood cladding, which led to the wood being replaced with plaster. That change was contrary to the preferences of the neighbors and neighborhood association, who desired wood because it is consistent with neighboring residential structures. Now that maintenance access has been resolved, wood is now proposed for much of the exterior below 60'.

Remarkably, YGH Architecture managed to incorporate all these changes while preserving the Net-Zero rating of the building, in support of the city's numerous sustainability and climate action policies. This proposal will provide sustainable, urban housing, as well as meet the applicable design guidelines and modification criteria, and therefore warrants approval for Design Review, Modifications to the Bike Parking Standards, and an Exception to Window Projections into the Right-of-Way.

The proposal evolved through the design review process to provide active ground floors with setbacks and canopies for pedestrian activation, quality materials and details to ensure permanence, and compositional moves on the two street elevations to reduce the apparent scale of the proposal from the street frontages. Changes made address the majority of the Commissions' concerns. This proposal will provide sustainable, urban housing, as well as meet the applicable design guidelines and modification criteria, and therefore warrants approval.

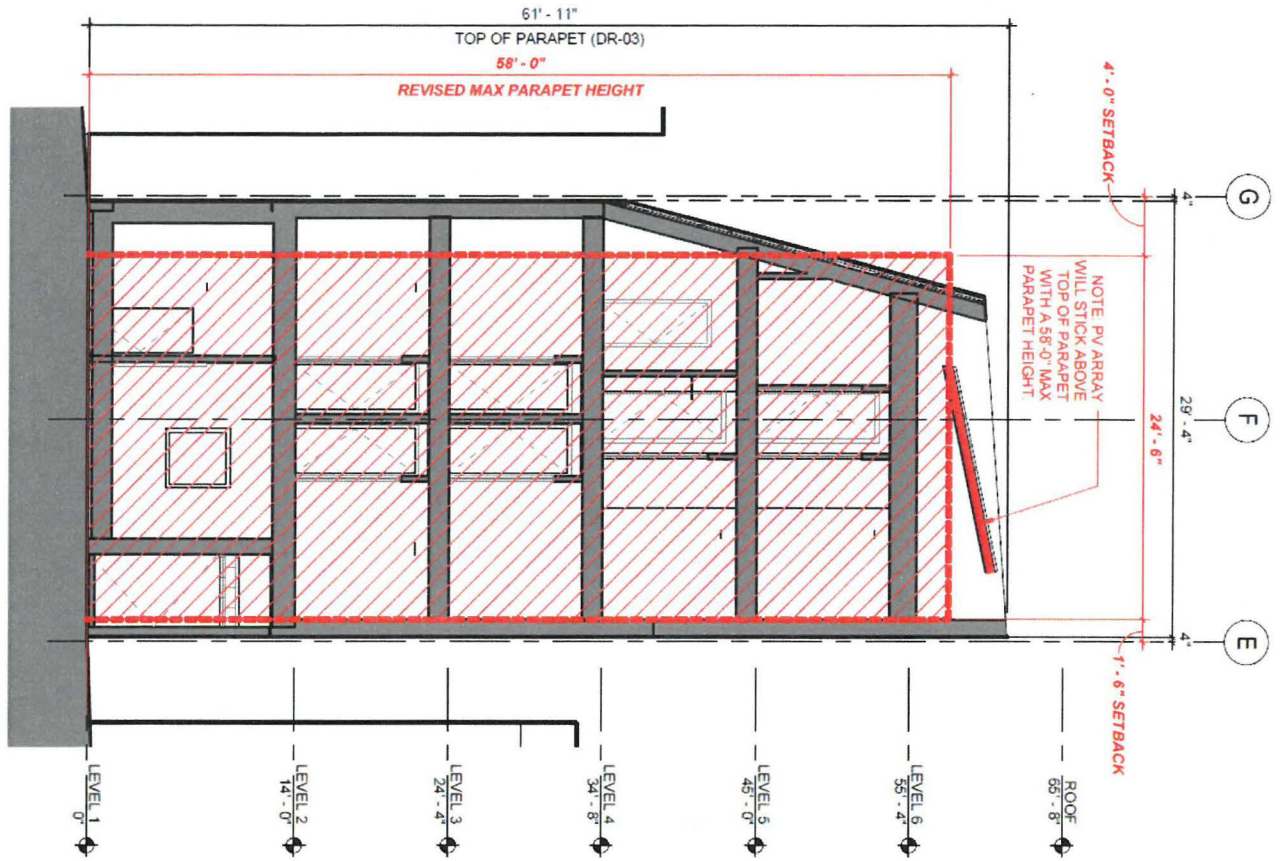
Staff Recommendation:

Staff recommends **approval** for the Design Review.

Staff recommends **approval** for the Modifications to Bike Parking Standards.

Staff recommends **approval** for the Exception to Window Projections into the Right-of-Way.

Please call or email me with any questions. Thank you.



Moore-Love, Karla

From: Jeffreys, Grace
Sent: Wednesday, May 10, 2017 5:33 PM
To: Moore-Love, Karla
Subject: FW: RNW update RE: Ankeny Apartments
Attachments: facilitators' update 5.11.17.pdf; Consent to Mediate.multiple.pdf

Please add to the record for Ankeny if it is still open.
Grace

From: Theresa Logan [mailto:theresa@resolutionsnorthwest.org]
Sent: Wednesday, May 10, 2017 5:19 PM
To: Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>
Cc: Runkel, Marshall <Marshall.Runkel@portlandoregon.gov>; Sandy Bacharach <sandy@resolutionsnorthwest.org>
Subject: RNW update RE: Ankeny Apartments

Hi Grace and Marshall,

Here is our written update, which you are welcome to provide to council tomorrow. Sandy or I will check back in with you next week, we will be out of the office leading a 2-day training for the rest of this week.

Best,

*Theresa Logan
Facilitation Program Coordinator
Resolutions Northwest
503-595-4890 x111*

***WE MOVED!!! OUR NEW ADDRESS IS:
2538 NE Broadway St., Suite A
Portland, OR 97232
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[RESOLUTIONS] NORTHWEST

Facilitators' Update: Ankeny Apartments Facilitated Meeting Request May 10, 2017

Prepared by Theresa Logan, Facilitation Coordinator, Resolutions Northwest

Portland City Council requested, via Grace Jeffreys at BDS, that Resolutions Northwest (RNW) facilitate a meeting between the appellant and adjacent neighbors in the matter of the Ankeny Apartments. RNW is actively working with the parties. RNW has recommended proceeding with a formal mediation between the appellant and adjacent neighbors so they may discuss their concerns, as neighbors, in a voluntary and confidential setting, without the pressure, public spectacle, or formality of the land use hearing processes. May 18th has been set as a tentative meeting date. Please note that mediation is a voluntary and confidential process, as outlined in ORS Chapter 36 on Mediation and Arbitration. As detailed in the attached sample "consent to mediate" form:

- The commitment to confidentiality encourages open and honest discussion and the full exploration and understanding of issues.
- The mediators will not disclose anything said in mediation without the permission of all the parties involved.
- Mediators cannot be called to testify in any legal or administrative process about any issues discussed in mediation unless all parties to the mediation agree in writing.
- A mediated written agreement is NOT confidential and can be shared with Council, unless the parties indicate on the agreement form that they want it to be confidential.

We would be happy to schedule a time to speak to any other interested parties about why we recommended this particular course of action over other possibilities, and/or to provide more information about our services and processes and how we may be able to work together more effectively and efficiently in the future.



Case Number: 4307

CONSENT TO MEDIATE

We, the undersigned, agree to participate in mediation voluntarily, and we understand that we may withdraw from mediation at any time. We also understand that only we can reach a resolution to our conflicts and that the mediators do not make decisions for us or offer counseling or legal advice.

We understand that the issues we discuss in mediation will remain confidential. The commitment to confidentiality encourages open and honest discussion and the full exploration and understanding of issues.

We understand and agree that confidentiality means:

- The mediators agree not to disclose anything said in mediation without the permission of all the parties involved. As parties involved in the mediation, we, too, agree to keep confidential anything said in mediation except by written permission of all parties.
- All materials in the case files of Resolutions Northwest (RNW) are confidential.
- Mediators cannot be called to testify in any legal or administrative process about any issues discussed in mediation unless all parties to the mediation agree in writing.
- Mediators may consult with RNW staff for direction or supervision; such consultation would also be confidential and covered by the above rules.

Exceptions to Confidentiality

1. Threats to commit acts likely to cause serious bodily injury to self or others.
2. Statements made about or evidence of child or elder abuse.
3. A mediated written agreement, unless the parties indicate on the agreement form that they want it to be confidential.
4. Participants may discuss the mediation with the following individuals (all participants must be in agreement). Please list names: _____

Signature of Participants

Name

Date

Name

Date

Name

Date

Name

Date

CONSENT TO MEDIATE, continued

Name

Date

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Date

Moore-Love, Karla

From: Jeffreys, Grace
Sent: Wednesday, May 10, 2017 5:25 PM
To: Moore-Love, Karla
Cc: gstephenson@schwabe.com; Tim Ramis; Joseph Schaefer; Darlene Ferretti
Subject: RE: Continuance of Ankeny Apartments Appeal

Tim, Thank you for this letter. I am forwarding to the council clerk to add to the record.
Grace

From: Tim Ramis [mailto:Tim.Ramis@jordanramis.com]
Sent: Tuesday, May 09, 2017 2:59 PM
To: Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>
Cc: gstephenson@schwabe.com; Joseph Schaefer <joseph.schaefer@jordanramis.com>; Darlene Ferretti <Darlene.Ferretti@jordanramis.com>
Subject: Continuance of Ankeny Apartments Appeal

Grace,

It is my understanding that at the Thursday 2:00 continued hearing on the Ankeny Apartments appeal you will be recommending a further continuance to a date in June because the mediator has not yet been available to convene the Council requested meeting of the parties.

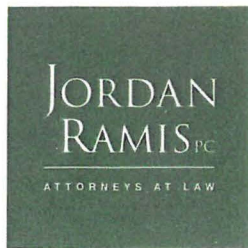
Mr. Crowell supports the continuance to give the parties a forum to exchange ideas regarding the design before further consideration by the Council. Also, he will postpone the opportunity granted by the Council for an oral presentation until the mediation takes place.

I have conferred on this matter with Garrett Stephenson, counsel for Ms. Roberts. He will independently indicate to you whether his client agrees with the continuance and postponement of oral presentations until the June hearing.

Please notify the City Council regarding Mr. Crowell's concurrence with the continuance request and his desire to postpone the oral presentation.

Thank you,

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May 9, 2017

City of Portland
1120 SW 5th Ave, Suite 1200
Portland OR 97204

Re: **Design Review Appeal for Net Zero Ankeny Apartments**

Dear Mayor and City Council Members:

Mr. Crowell thanks the Council for the opportunity to: 1) report on the status of the effort to find a compromise design; and 2) respond to the issues raised at the hearing.

I. Pursuit of Compromise Resolution

In seeking to craft a compromise resolution, Mr. Crowell has met with the neighborhood association and has been in communication with Mary Roberts through legal counsel. He is prepared to engage with other neighbors in any forum and is awaiting the scheduling of a mediated session as proposed by Grace Jeffreys of BDS and Councilor Fritz.

Based on the current level of communication, Mr. Crowell's architectural team is analyzing design ideas that have been suggested. While it is possible that a workable design may emerge from the conversations, the lack of availability of the mediator has slowed the progress at this point. Mr. Crowell intends to continue the effort to meet with neighbors and to explore a compromise proposal from now until the Council hearing.

II. Issues

1. Scale: Substantially below what is allowed

The proposal is a substantial reduction of almost 20% from the allowed height and square footage regulations applicable to the site under the base zone and nondiscretionary bonus earned by the current design.¹ The maximum height is 95 feet (going to 125 feet next year); the proposal is less than 75 feet. The maximum FAR is 6:1; the proposal is for less than 5:1. Maximum square footage is 32,280; the proposal is for 26,450. The design elements of scale, bulk and massing are all well below the specifications in the code.

¹ The allowed height is 95 feet. The base zone height is 50 feet, and 45 more feet is provided by a nondiscretionary bonus for housing. Mr. Crowell proposes less than 75 feet. The 3:1 base zone FAR allows 16,140 square feet of floor area and a nondiscretionary bonus of 3:1 brings the total to 6:1, or 32,280 square feet. Mr. Crowell proposes a 4.92 FAR of 26,450 square feet. The design elements of scale, bulk and massing are all well below the specifications in the code.

May 9, 2017

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2. Massing: Two redesigns have already reduced the bulk of the east wing on SE 12th

The current plan being appealed is the third version of the project since it was presented to the Design Commission. In the first design (plans dated September 21, 2016) both wings were about 75 feet tall, and the east wing had zero setback on SE 12th. The building was 28,640 square feet. The second design (plans dated November 17, 2016) removed one story from the east wing and made several smaller changes, which reduced the building to 26,527 square feet which is more than seven percent. The third design (plans dated January 5, 2017) kept the east wing one story lower, and moved the building seven feet back from SE 12th Ave, which further reduced the building to 26,450 square feet. These design changes were made in response to staff critiques, neighbor testimony, and Design Commission suggestions. The changes have sacrificed apartments and created risk to the solar access. Nevertheless the staff, neighbors and Design Commission continue to oppose the project because they believe it is too large, especially the east wing.

3. Physical Context: SE 12th has a mix of lower and taller buildings

The streetscape near SE 12th and Ankeny is not an intact single family neighborhood. Rather, it has a mix of building uses, heights and sizes. Because the area includes properties slated for increases to 125 feet, the area will continue to change. Directly across SE 12th Ave is a 27 unit apartment building, as shown in this photo, taken May 1. Mr. Crowell's proposal is not out of context in an area that is going through rapid transition to Central City scale uses. The condition the neighbors complain of, large blank walls abutting older houses, is commonly approved by the City as urban scale redevelopment occurs.



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4. Deference to illegal uses is not the policy of the code

The Design Commission was quite sensitive about how this building would affect the purported single family houses on this block, and Mr. Crowell wishes to clarify why those houses are not lawfully established nonconforming structures and uses, and are not entitled to the deference that the Design Commission gave them. Portland Maps data for the three closest “houses” to the site demonstrates:

101 SE 12th, owned by Nicholas Ure, is listed on Portland Maps as “Residential, Commercial Use”. Mary Roberts testified at the City Council hearing that this property is entirely office. The City and the county assessor do not have records of this complete commercial conversion, and the property lacks essential commercial features such as an accessible entrance.

113 SE 12th, owned by Priscilla Sturges, is listed on Portland Maps as single family residential. At the City Council hearing Joy Lewis, Ms. Sturges’ daughter, testified the house is a duplex. The City and the county assessor do not have records of conversion to a duplex.

121 SE 12th, owned by Mary Roberts, is listed on Portland Maps as single family residential. At the City Council hearing Ms. Roberts testified the house is a duplex. The City and county assessor do not have records of conversion to a duplex.

The conversion of these single family houses to office and multifamily use has apparently occurred without the knowledge of the City through land use or building permits, and without the knowledge of the county or updated tax assessments, and therefore these are illegal structures and uses. PCC 33.258.035. These buildings lack the protections provided by lawful nonconforming status. And, if they did qualify as valid nonconforming uses, the City’s Code policy on nonconforming uses calls for “reducing the impacts from nonconforming situations.” 33.258.010. The decision of the Design Commission instead amplified the effects of nonconformity.

5. Legal Context: Size reduction is not mandated by code

Design Commission member Julie Livingston testified that the height and FAR regulations are “allowances”, not entitlements. That is an incorrect reading of the Code as was pointed out by the Design Overlay Zone Assessment report (DOZA).

The DOZA report, recently accepted by the Council with instructions to begin implementation of its recommendations, reaches the correct conclusion about the Code:

Design review can have an important role in examining massing -- not just materials -- as part of a building’s response to context. **However, there are several reasons that floor area should not be subject to major changes through Design review.**

Many people make investments in property based on the entitlements spelled out in the Zoning Code. Indeed, tax assessors even determine valuation in part by allowable

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potential set forth in zoning codes. Long-range planning must be the process for establishing basic zoning entitlements.

Modify the language describing the scope of the Design Commission's purview to delete reference to height and bulk (**as these are entitlements**) and rephrase to focus on "modify the shaping and arrangement of allowable floor area in a building to better recognize contextual relationships." (emphasis added) (Tool Recommendation B1.c)

This is the correct interpretation of the code, and we ask the City Council to expressly decide that the maximum height and floor area ratio standards in PCC 33.510.200, .205 and .210 are objective zoning entitlements that may not be materially reduced by discretionary design review decisions. See 33.500.040. Here, the maximum height is 95 feet, whereas two portions of this building are only 73 feet (two stories less than the maximum), and the third portion facing SE 12th is further reduced to just 63 feet (three stories less than the maximum). Early next year the maximum height increases to 125 feet, nearly twice the height which was deemed too tall in this application. The opponent requests for a maximum height of 45 feet would eliminate moving some apartments and pose even risk to solar access.

Conclusion

Mr. Crowell thanks the City Council for the time and attention given to the issues raised by the Net Zero Ankeny Apartments and requests that the Council decision recognize the substantial compromises made to address the challenges in this area of transition. Approval of the project will be an important step in encouraging carbon responsible development and Mr. Crowell therefore requests that the Council grant approval of the project.

Sincerely,

JORDAN RAMIS PC



Timothy V. Ramis

Admitted in Oregon

tim.ramis@jordanramis.com

OR Direct Dial (503) 598-5573

cc: Landon Crowell
Bob Zimmerman, YGH Architecture
Jerry Waters, YGH Architecture
Lisa Kaner, Markowitz Herbold PC

Moore-Love, Karla

From: Stephenson, Garrett H. <GStephenson@SCHWABE.com>
Sent: Wednesday, May 10, 2017 2:19 PM
To: Council Clerk – Testimony; Moore-Love, Karla
Cc: Jeffreys, Grace; 'Mary Elizabeth Roberts'; Safley, K. C.; 'Tim Ramis'; Mikey B
Subject: Appeal of the Ankeny Apartments (LU 16-184524)
Attachments: LT Hon. Ted Wheeler, Mayor and Commissioners.PDF

Importance: High

Dear Karla,

Please find attached testimony on behalf of Mary Roberts in opposition to the appeal of LU 16-184524 DZM. The continued appeal hearing on this matter is scheduled for Thursday, May 11, at 2:00 PM. This letter is timely submitted prior to the close of the open record period on May 10.

Please place this letter and its attachments before the City Council members as soon as possible and place it into the official record of this proceeding. Please also confirm that you have received it.

Thank you.

Garrett H. Stephenson
Of Counsel

Schwabe Williamson & Wyatt
Direct: 503-796-2893
Mobile: 503-320-3715
gstephenson@schwabe.com

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May 10, 2017

Garrett H. Stephenson
T: 503-796-2893
gstephenson@schwabe.com

VIA E-MAIL

Hon. Ted Wheeler, Mayor
City of Portland
C/O Council Clerk
1221 SW 4th Avenue, Room 130
Portland, OR 97204

RE: Appeal of the Ankeny Apartments (LU 16-184524)
Letter on Behalf of Mary Roberts for the May 11, 2017 Hearing

Dear Mayor Wheeler and Commissioners,

This office represents Mary Roberts, who lives at 121 SE 12th Street, directly abutting the proposed Ankeny Apartments (1122 SE Ankeny Street) (the "Project"). In addition to Ms. Roberts' previous oral and written testimony, this letter explains why the City Council should affirm the decision (the "Decision") of the Portland Design Commission (the "Commission") denying the Project. This letter is timely submitted prior to the close of the record on May 10, 2017, and prior to the continued hearing to be held on May 11.

I. The Applicant has not met its burden of proof.

The Applicant has the burden of proof at all stages of this land use review to demonstrate that the applicable criteria are met, and specifically, the burden to explain why the Council should reverse the Commission's unanimous decision. The Applicant has raised two general arguments on appeal. First, it has offered policy reasons why the Council should reverse the Commission's decision. Second, it argues that certain Design Guidelines cannot be applied because those Guidelines conflict with maximum height and floor area ratio ("FAR") standards in the Central City Plan District.

However, the Applicant has provided little explanation of how the proposal satisfies the seven Guidelines at issue: A4, A5, C2, C4, and C5 of the Central City/Central Eastside Guidelines, and C3-1 and C3-2 of the Central Eastside Guidelines. Instead, it requests that the Council simply adopt the only favorable staff report as a basis for finding that the criteria are met, regardless of the fact that four other staff reports and several staff memoranda recommended denial. Furthermore, as of the date of this letter, it has not proposed any changes that would allow the Project to satisfy those criteria. Therefore, it has failed to carry its burden in this appeal.

(a) Policy reasons are insufficient to reverse the Commission's decision.

The Applicant has made several policy arguments in favor of the Project. Foremost among these is the goal of a "net-zero" building. Laudable as this goal is, it is irrelevant to the

the question of whether the Applications satisfies the Design Guidelines, which do not address “net-zero” buildings at all. New height and FAR maximums, and the new Comprehensive Plan, both of which will take effect in 2018, do not constitute applicable criteria for this review and are therefore irrelevant. Similarly, while the project might further the goals of the City’s Climate Action Plan, there is nothing in that plan that constitutes an applicable criterion. Finally, financial support provided by PDC does not constitute evidence that the project meets the criteria.

(b) The Commission's Decision to deny the Project is consistent with applicable provisions of the Code and adopted Guidelines.

The Applicant’s primary argument is that the maximum height and FAR allowances in the Central City Plan District supersede any Design Guidelines addressing bulk, massing, height, or neighborhood compatibility. As explained in Ms. Roberts’ prior written and oral testimony, there is nothing in the Portland City Code (“PCC”) that supports such a conclusion. First, FAR and height maximums are not entitlements, they are maximum limits. Second, and contrary to the Applicant’s assertion, PCC 33.420.010.E.1 does not provide that Design Guidelines are superseded by Plan District standards, because the Guidelines are not “regulations in overlay zones, base zones, and regulations in the 600 series of chapters.” Third, the Council can find that the Plan District regulations do not supersede Design Guidelines by operation of PCC 33.500.040 because Design Guidelines are not regulations of Title 33 and there is no statement in the Design Overlay or Design Review chapters incorporating Design Guidelines into Title 33.¹ Even if the Council finds that PCC 33.500.040 applies, there is no direct conflict in this instance between the Plan District height and FAR standards and the applicable Design Guidelines, as the Commission stated on multiple occasions that it is the project’s handling of its height, bulk, and massing that was problematic, not that the Project could not be built as tall as proposed. This point was reiterated at the April 12 Council hearing.

The Applicant has asked the Council to decide these code issues in this appeal. Should the Council agree with the Applicant the decision will have lasting impacts on the Design Review process. Critically, it will have practical precedential weight and future developers will be well advised to push their building envelopes to the maximum regardless of Design Guidelines that would otherwise require more sensitivity to the existing neighborhood, leaving the role of the Design Commission unclear with respect to such Guidelines. Such an important decision is best made as a matter of policy through legislation, not simply to allow a single project to move forward.

(c) Adopting the recommendations of the January 5, 2017 staff report is not an appropriate solution.

The January 5 staff report was one among several reports and memos staff provided the Commission during its consideration of this Project. Four other staff reports, dated September

¹ PCC 33.500.040 provides that “where there is a conflict between the plan district regulations and the base zone, overlay zone, or other regulations of this Title, the plan district regulations control.”

30, 2016, October 6, 2016, December 1, 2016, and January 19, 2017, recommended denial as did the final findings of the Design Commission. The Council should not simply adopt this report for several reasons.

First, it does not constitute final findings for a decision and was never intended to do so. Staff prepared the report to aid the Commission in its consideration of the Project. The January 5 report was an intermediate staff report and was never intended to make ultimate conclusions. During these intermediate hearings, staff has the difficult task of capturing and distilling the advice of the Commission and giving its own opinion on whether the Commission's advice was followed by the Applicant. This task is imprecise and in this case the Commission found that its earlier suggestions had not been followed.

Second, the question the Council should consider is not whether a reasonable person could conceivably find that the Guidelines at issue are met, but whether the Applicant has proved that the Design Commission erred in determining that they were not met. Adopting a single staff report as "the most direct solution," as suggested by the Applicant, unfairly shifts the burden of proof away from the Applicant and places that burden on project opponents, including my client, to prove why the Commission's decision should be affirmed.

Finally, and most importantly, supplanting a single staff report for the analysis of the Commission deprives the City of the collective expertise of the Design Commissioners, who have been selected because of their architectural knowledge and expertise.

2. Response to the Applicant's Arguments

(a) There is no Constitutional issue before the Council in this case.

In its April 11, 2017 letter, the Applicant raises vague constitutional arguments that the building is an "expression of [the Applicant's] views and commitment to energy independence." In order to prove this claim, the Applicant would have to, among other things, demonstrate (1) that placement of functioning solar panels on a building constitutes protected speech that (2) the Guidelines are not content neutral insofar as they prohibit energy efficient buildings. The Applicant has not addressed either of these issues.

Furthermore, the Applicant is incorrect in its assertion that there is no compelling governmental interest in the protection of these "vestigial" houses. The Design Review guidelines serve an important governmental interest in furthering neighborhood compatibility and quality architectural design throughout the City, which necessarily involves consideration of building height, mass, and bulk.

(b) There is no legislative consensus on what this block should look like.

The Applicant argues that the Council has already made a policy determination on the size of the building through adoption of the maximum height and FAR standards in the Central City Plan District. On the other hand, the Council's adoption of Design Guidelines that address

bulk, height, massing, and neighborhood compatibility, which involve different considerations than maximizing development intensity, suggests the opposite. The truth is that the Council has never adopted a policy allowing every building to obtain its maximum permitted height or FAR regardless of any countervailing consideration, such as compliance with Design Guidelines.

There is also no policy disfavoring the continued livability and preservation of these homes. As explained by Design Commissioner Julie Livingston, the houses on 12th Avenue are not nonconforming. If anything, the City's listing of three of these homes on its historic resource inventory is the best evidence of its desired policy: that these homes are preserved. This is especially so because the historic inventory is a site-specific exercise, while height and FAR maximums apply to broad swaths of a given district.

Finally, the Applicant's continued position that these homes are not desired uses in the Central Eastside is antithetical to the fact that they must remain to preserve the Project's solar access. Suggestions that these panels will not be needed in the future are speculative but miss the point: this solar access is needed now and in the foreseeable future.

3. **Ms. Roberts has worked and will continue to work with the applicant in good faith on a compromise design.**

There was discussion at the April 12 hearing as to whether any design changes could be made to the Project to make it acceptable to Ms. Roberts. Ms. Roberts has always explained that a shorter building with a setback would substantially reduce the impacts on the livability of her home. She participated in the April 20 Neighborhood Meeting through her legal counsel. She also explained to the Applicant that she could accept a building that was 55 feet or less than height and provided at least a four-foot setback from her property line. As of the date of this letter, the Applicant has not provided a response to Ms. Roberts' proposal, but Ms. Roberts is willing to engage in continued discussions with the Applicant.

4. **Conclusion**

For the reasons above as well as those in Ms. Roberts' prior testimony, the Council should affirm the Commission's decision.

Very truly yours,



Garrett H. Stephenson

cc: Ms. Mary Elizabeth Roberts
Ms. Grace Jeffreys
Mr. Timothy V. Ramis
Mr. K. C. Safley

Moore-Love, Karla

From: Greg Vik <gvik@vikconstructioncompany.com>
Sent: Friday, May 12, 2017 9:32 AM
To: Moore-Love, Karla; Landon Crowell
Subject: Ankeny Apartments Project-Testimony in Support of the Project



Ankeny city
council hearing ...

I am Greg Vik of Vik Construction Company and we are the construction manager for the Ankeny Apartments Project and I am a partner of owner Landon Crowell's development team. I reside at 304 Dartmoor Drive, Eugene.

Support of the Ankeny Apartments project is primarily two fold: First, the project is in conformance with all the pertinent land use and zoning requirements for this site and this fact alone is compelling; and Second that the City Design Review Commission has flawed in their view of a significant number of project issues that they used to erroneously depreciate the project.

As you know, land use and zoning requirements must be applied consistently to be fair with everyone. With the Ankeny Apartments project, we meet all of the legal, zoning and land use requirements of this site. Over the past eight months or so we have adjusted the original design as a result of six separate hearings to be responsive to the Design Review Commission's preferences and opinions. Not all, or the same, Commissioners were present at these meetings. Nonetheless, all of this work concluded with **the Commission staff's written recommendation for approval of the project, based upon a technical, objective and critical review**. This is found on Page 19 of the Design Commission's January Staff Report on the project. At the fifth hearing, the Commission overturned the staff report apparently based upon their political or subjective opinion. This prolonged, inefficient, and ineffective process has cost the owner/developer Landon Crowell substantial time, effort and money. It has been poor public policy at best and very concerning conflict of interest politics at the worst if it is true that several Commission members are in equity with real estate investments in close proximity to the Ankeny project.

I have repeatedly criticized the Commission's design changes recommendations because they have been generally non-substantive to improving the project or its relationship to the neighborhood. At the beginning of the process, the beauty of the building was clear and obvious. As an example, among several others, was the Commission's requirement

that we change the siding to plain white stucco. A good example of the substantial use of exterior siding in Portland is the handsome Meranti wood siding found at the large apartment complex referred to as North Williams at 4134 North Vancouver Street not far from our site in Portland that has recently been completed. So a nearly identical application, only a few blocks away and they rejected our proposal? Further, the Commission has slipped into uninformed comments about construction means and methods for the Ankeny project that has a questionable place in their Design Review purview of a project. The project's constructability or means and methods has come up in most of the hearings. This has also been used by the neighbors and Commission to pile on and try to obscure the viability of the project by implying the difficulty or implied impossibility of constructing infill, zero lot line buildings.....but ignoring the reality. Obviously, there have been numerous in-fill, multi-level buildings constructed in Portland with zero lot lines and the idea of building density and height to fully utilize land area so close to the downtown core is prevailing.

At the hearings, the Design Review Commission also brought up, repeatedly, the red herring question of how we will construct and maintain the metal panel building skin as though the development is again fundamentally flawed even in its so-called difficulty of assembly. We will utilize pump jacks at the bottom two levels where the existing adjacent buildings are close and a swing stage, attached to the top of the building, for installation of the metal panel building skin above the lower levels. The zinc metal panel skin requires no maintenance and is self healing in the event of scratching.

And so with this, it brings to mind the question of confidence and qualifications. Vik Construction has a long history of client satisfaction and performance record over its 70 years in business of about 1,000 building and 15 development projects . This includes a number of multi-level buildings constructed with zero lot line or similar site restrictions including the 12 level lift slab Olive Plaza Elderly Housing facility in downtown Eugene; the 186,000 sf 12 level Eugene Hilton Hotel downtown; and the 60,000 sf South Park Building also in downtown Eugene to cite a few. We have also constructed several highly complex or unique fast track projects including the 300,000 sf Tektronix Silicon Wafer Manufacturing plant in

Beaverton and the free span wood dome Chiles Center at the University of Portland among a number of Portland area projects.

As you know, maintaining this conforming density is very important to Portland in order to provide adequate housing inventory with the substantial in migration to the City. **As well, the obvious question of how Portland transitions for the future is also prevailing.**

Density should be the order of the day in Portland and all around Oregon to conserve land. The Design Commission's height reduction idea really means little toward improving the design or their unusual ideas about density. 6 to 5, 7 to 6, 5 to 6 even 4 to 5..... machts nicht? Mid-rise is mid-rise. From really any perspective.... on the ground looking up; or the number of living units that are only 18; or the building mass, in the context of plenty of nearby examples of recently constructed buildings of much greater building mass. As respected urban planner Jane Jacobs so correctly emphasized, the success of urban locations has much to do with the combination of adequate density and diversity. Again, many would say, this close to downtown, it is irresponsible to not go up particularly when the law encourages this idea.

Again, any conforming use must be compelling on the face and in its own regard and you are aware that the Ankeny project is substantially more than a typical building project. Besides the intrinsic value of a net positive facility, you may not be aware that the Ankeny building will be a really powerful prototype for net positive facilities, locally and regionally. It will be the first in Portland and seventh in the Country for a project of this type. Net positive means the building will produce more energy than it consumes. And why it is so unique and important is because accomplishing this net positive capability is no easy feat. It is a very, very difficult and time consuming process and most in the design and building industry have avoided it because it takes too much time, effort and money without the commensurate financial return or speed. But, if we can show the way, unlock the key, many more net positive projects will undoubtedly be developed for many good reasons. **Ankeny is clearly therefore a very big deal.** For the past two and a half years, the Ankeny design/construct team has continually evaluated materials, building systems and approaches to achieve high energy retention and select the right high efficiency equipment to make the illusive net positive goal possible. To underscore

the importance of this work, a recent article by the Cascade Policy Institute referenced Portland's marketing of the City as a green and environmental capital, but as a matter of fact, that being a long ways from the truth. The problem is the meager, actual green implementation that has really been done over the years compared with the consistent hype. They say Portland is pretending on a very large scale. So, we ask you then, if not here on Ankeny Street in Portland, Oregon, then where? and if not now with Ankeny at the threshold of outstanding success, then when?

The Ankeny project will be a shining, unique example of Portland doing what it says it's doing. Our Ankeny project is obviously very important, and because of this, we have received outstanding support from the Portland Development Commission and several other green oriented sources in the way of substantial low interest funding. If there is a secret here though, it is Landon Crowell's persistent work to find substantial offset funding from many green sources to pay for the sustainable aspects of the project that otherwise haven't been and won't be financed conventionally. **A very big deal.** Landon's perseverance throughout this effort has obviously been essential but his outstanding leadership for the project has also been superb. It goes without saying that he has assembled a top quality team of professionals from Yost, Grube, Hall Architects, to our energy consultant Glumac Engineers to our design-build mechanical and electrical contractors.....Cochran Electric; D and F Plumbing; Viking Fire Protection and Comfort Flow Heating; and Exteriors Design is our building envelope contractor. They are all true believers in this cause and simply do not know quit. They have been more than willing to devote their best efforts, time and expense to make this compelling example a reality.

For ourselves, we have constructed a number of noteworthy facilities projects in Portland over the years. And then comes Ankeny that is even more important because it shows the way to high-energy efficiency building facilities and an important pathway to the future. The Ankeny Apartments project is right and good and because it conforms with all the applicable City laws, and because of the importance of the project, we strongly encourage your approval and, as the with the Portland Development Commission, your support of the project.

**OPPOSE
APPEAL**

APPEAL OF LANDON CROWELL AGAINST DESIGN COMMISSION DECISION**1122 SE ANKENY ST LU 16-184524 DZM**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ K.C. Safley	1211 SW 5th Ave. Portland, OR. ⁹⁷²⁰⁴	ksafley@schwab.com
✓ DESIGN COMMISSION DAVID WARK	1900 SW 4TH AVE, STE 5000	BNSHEARINGSCLERK@ PORTLANDOREGON.GOV
✓ ANDREW CLARK		
✓ JESSICA MOLINAR		
✓ JULIE LIVINGSTON		
✓ William Phillips	113 SE 12 th Ave	
✓ Mary E Roberts	121 SE 12 th Ave	
✓ MICHAEL BEGLAN	121 SE 12 th Ave	ON FILE
✓ JEFF BURNS	1336 SE 20th AVE 97214	jeff@organicmodern.com
✓ JOY LEWIS	113 S.E. 12 th Ave PHO 97214	avidyoja@gmail.com

**OPPOSE
APPEAL****APPEAL OF LANDON CROWELL AGAINST DESIGN COMMISSION DECISION****1122 SE ANKENY ST LU 16-184524 DZM**IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Priscilla Sturges	1906 Birch Lane, Newberg, Or. 97132	—

**SUPPORT
APPEAL**
APPEAL OF LANDON CROWELL AGAINST DESIGN COMMISSION DECISION
1122 SE ANKENY ST LU 16-184524 DZM

 IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Carolyn Easterly	2837 NE 9 th Av 97212	cmaxeeyesterly@gmail
✓ Lisa Kauer	2630 SW Alta Vista Pl. PDX	LisaKauer@MTGM.com
✓ Anthony Crowell	924 N. SUMNER ST Portland, OR 97247	EZcrow@Comcast.NET
✓ CHARLES MORTON	3006 NE 155 TH AVE PORTLAND, OR 97230	CFMORTON1964@YAHOO.COM
spoke ✓ JERRY WATERS	4814 SW Humphrey Park Crest 97221	jerryw@ygh.com
spoke ✓ Bob Zimmerman	1716 SE Ash Street Portland 97214	bobz@ygh.com
X BRIAN DURRAN (NOT TESTIFYING)	2330 N KILPATRICK ST.	briand@ygh.com
✓ Kristin Malone	9408 N Edison St 97203	kmalone@gm.sic.edu
✓ Doug Klotz	1908 SE 35th Pl. 97214	dougurb@gmail.com
Julius Davis		

**SUPPORT
APPEAL**
APPEAL OF LANDON CROWELL AGAINST DESIGN COMMISSION DECISION
1122 SE ANKENY ST LU 16-184524 DZM

 IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Zac Padgett	9108 N Edison Portland OR 97203	Zac.Padgett@gmail.com
Lanbin Ren	1466 Oksanna St. Eugene OR 97477	lanbinren@hotmail.com
Jon Penneman	1466 Oksanna St. Springfield OR 97477	jonp@nimbuspm.com
✓ Dr. Steven Holt	P.O. Box 30418 PDX 97294	dr.stevenholt@gmail.com

Moore-Love, Karla

From: Jeffreys, Grace
Sent: Monday, April 24, 2017 12:22 PM
To: Council Clerk – Testimony
Subject: Case file: LU 16-184524 DZM - Ankeny Apartments
Attachments: Scofield House Grouping.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Please find attached a letter to add to the case file for LU 16-184524 DZM - Ankeny Apartments:

From: Mary Elizabeth Roberts [mailto:maryelizabeth.roberts0@gmail.com]
Sent: Thursday, April 20, 2017 12:52 AM
To: Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>; Mikey B <ganaonpub@gmail.com>; Stephenson, Garrett H. <GStephenson@schwabe.com>; Julie Livingston <juliealivingston@gmail.com>
Subject: Fwd: Buckman Community Association - Ankeny Apartments appeal

Hi Grace and Garrett,

Thank you for everything. Attached here is a letter documenting historical significance of the three Victorian houses to the south of the proposal. The consultant (Elizabeth O'Brien) cannot attend tonights meeting, therefore if you could print it and submit it into the record, I would greatly appreciate it.

Thank you,
Mary

----- Forwarded message -----

From: **Elizabeth O'Brien** <eobrien4@me.com>
Date: Wed, Apr 19, 2017 at 11:26 AM
Subject: Buckman Community Association - Ankeny Apartments appeal
To: Susan Lindsay <lindsays@pdx.edu>
Cc: Mary Elizabeth Roberts <maryelizabeth.roberts0@gmail.com>

Susan,

I am submitting an informational letter for the upcoming meeting on April 20th related to the appeal of the Ankeny Apartments building.

I have assisted Mary Elizabeth Roberts in conducting research for a possible National Register nomination for a grouping of houses that lies adjacent to the proposed apartment project.

Thank you,

Elizabeth "Tibby" O'Brien

Elizabeth O'Brien
Historic Preservation Consultant (retired)
17035 SW 108th Avenue
Tualatin, Oregon 97062

April 19, 2017

To the members of the Buckman Landuse Committee,

During the preparation of the North Buckman Historic District National Register nomination, I worked as a volunteer in the documentation and research of the historical resources. During this work, I developed an interest in the works of W.R. Stokes and Co. and have conducted further research since that time.

I would like to express my concern related to the proposed construction of a multi-story apartment complex within a grouping of houses facing SE 12th Avenue that date to 1893-1902. The scale and character of the project would compromise the historic setting and character of this block of houses, all of which were built by W.R. and Stokes and Co. All the houses are also contributing resources of the North Buckman Historic District that was Determined Eligible by the Keeper of the National Register of Historic Places in 2012.

Of these houses adjacent to the proposed project facing SE 12th, three of houses are likely eligible for listing in the National Register of Historic Places, as one of the earliest known house groupings built in East Portland by the prolific architectural and construction company, W.R. Stokes and Co., Architects and Builders, also known as Stokes and Zeller.

The Edmund A. Mary Scofield house grouping of four houses, three of which survive, was constructed for Edmund A. and Mary Scofield in 1893, primarily as an investment. The Scofields for a brief period lived in the corner property at 135 SE 12th Avenue while renting the others.

The houses were constructed in the Victorian era in 1893 with the same styling and detailing based on a similar floor plan.

While the two northernmost houses have had modifications, the Edmund A. and Mary [Stokes] Scofield House, 135 SE 12th Avenue, retains a great degree of architectural integrity and is significant at the local level adding to the merit to this grouping for inclusion in the National Register of Historic Places.

W.R. Stokes and Co. body of work is recognizable throughout Portland's inner east side. William R. Stokes and his partner, Richard L. Zeller constructed hundreds of homes in Portland from the early 1880s into the 1920s. The Stokes and Zeller families were closely knit linked by marriage and their business relationships. Their company had a loyal following of customers who included family members, real estate investors, prominent businessmen, and local working people. The company constructed personal residences and investment properties of residences and apartments based on plans developed by the company.

Mary Scofield was William R. Stokes' sister and her husband, Edmund A. Scofield, worked as a carpenter for the Stokes' construction company. The Scofields lived at 135 SE 12th Avenue only briefly (circa 1895) as Mr. Scofield died in 1896. Once widowed, Mrs. Scofield moved from the residence and the four houses were eventually sold to others.

The Scofield House is also recognized as the earliest known location of the Portland Seventh Day Adventist Hospital, which was established by Dr. Lewis J. Belknap circa 1893-1994. Dr. L.J. Belknap developed a therapeutic health program based on Dr. John Harvey Kellogg's Battle Creek Sanitarium, where Belknap had worked in the late 1880s and early 1890s (Battle Creek Enquirer 1932:8).

Other residents and owners of the house included two physicians. Dr. Michael A. Flinn purchased the house in the early 1900s and lived in the house with his wife from circa 1906 to 1920. Dr. Louis A. Kinkela, a chiropodist (foot doctor), and his wife Charlotte lived in the house in the 1920s and early 1930s.

Tasks to Complete the National Register Nomination:

- Further research related to the owners and modifications to the house.
- A house plan sketch of all four floors would be prepared.
- Photographs of the house interior and exterior would be important in documenting the current historical detailing and layout.

Moore-Love, Karla

From: Audrey McNamara <audreym@myhregroup.com>
Sent: Wednesday, April 12, 2017 1:02 PM
To: Council Clerk – Testimony
Subject: Case file: LU 16-184524 DZM - Ankeny Apartments
Attachments: CityCouncil letter.pdf

Attached is my letter of opposition to the Ankeny Apartments proposal set to be reviewed by the city council this afternoon.

Thank you,

Audrey McNamara

AUDREY MCNAMARA
ARCHITECTURAL JOB CAPTAIN



620 SW 5th Avenue, Suite 500

Portland, Oregon 97204

t 503.236.6000

f 503.236.7500

audreym@myhregroup.com

www.myhregroup.com



- C5. Design for Coherency.
- C8-1. Allow for Loading and Staging Areas on Sidewalks.

Furthermore, this project also doesn't meet the Central Eastside Design Goal to enhance the safety, convenience, pleasure, and comfort of pedestrians with the massive discrepancy in scale of the existing adjacent buildings.

Therefore, given the significant fundamental issues of this dense development on an enormously restrictive, mid-block L- shaped lot, with scale and massing that are not compatible with the adjacent properties I don't see why this development should be permitted to proceed.

Thank you for your time,

Audrey McNamara

Architectural Job Captain

1250 E. Burnside St.

Portland, OR 97214

CASE FILE NUMBER: LU 16-184524DZM PC#16-106400

Ankeny Apartments

City Council Members,

I am writing to oppose the proposed Ankeny Apartments project that has been previously rejected by the Design Commission. The proposal of an over 73' tall luxury apartment building adjacent to single family residential structures less than 35' and a 17' tall commercial building is completely out of scale with its surroundings. I'm all for adding to the housing stock in Portland but this simply isn't an appropriate solution at this time for this site. I am opposed to the scale, massing, and adjacency issues as well as the exterior cladding materials of this project. Central City Plan design goals state that new design should "ensure that new development is at a human scale and that it relates to the scale and the desired character of its setting and the Central City as a whole". From a pedestrian scale this building will stick out like a sore thumb wedged in between these homes, which is far from attractive, no matter what you clad it in.

The proposed stucco for a cladding material is the least ideal exterior choice for this climate. The construction on the corner of Ankeny and SE 12th has been going on for over a year and half with no end in sight due to the attempt to stucco the exterior in this damp weather. The building has been wrapped in plastic with generators running all night for months trying to dry out the building. I can't even imagine how long the construction of such a tall building on a narrow, L-shaped, mid-block site will take or the daily inconveniences to pedestrians, cyclists, and drivers who use Ankeny and SE 12th for their commute. In addition, there is the unique challenges of storing construction materials. With such a narrow street frontage, access will be difficult for getting materials to the site without significantly impacting the adjacent neighbors and the flow of traffic.

The last thing Portland needs is more luxury apartments. The typology of the proposal doesn't even align with what they are offering. The luxury apartment tenant wants a place to park their luxury car not have great access to public transit as this location affords. The exterior stairwells also do not align with the luxury concept in this damp and rainy climate that make exterior stairwells extremely undesirable; it feels more like a no tell motel. Although 'the applicant intends this proposal to act as a bridging element between the large-scale housing developments of the Central East Side and the more residential neighborhoods to the east', this proposal acts much more like a wall blocking light and views from the adjacent properties.

I agree with the Design review Commission that this project fails to meet a number of design objectives including:

- A4. Use Unifying Elements.
- A5. Enhance, Embellish, and Identify Areas.
- A8. Contribute to a Vibrant Streetscape.
- C3-1 Design to Enhance Existing Themes in the District.
- C3-2. Respect Adjacent Residential Neighborhoods.
- C4. Complement the Context of Existing Buildings.

Moore-Love, Karla

From: Jeffreys, Grace
Sent: Wednesday, April 12, 2017 12:19 PM
To: Moore-Love, Karla
Cc: Rees, Linly; Fioravanti, Kara; Heron, Tim
Subject: FW: LU 16-184524 DZM; PC # 16-106400
Attachments: Crowell Letter.pdf; Ramis Letter.pdf

For today's hearing.

From: Joseph Schaefer [mailto:joseph.schaefer@jordanramis.com]
Sent: Wednesday, April 12, 2017 11:57 AM
To: Jeffreys, Grace <Grace.Jeffreys@portlandoregon.gov>
Subject: LU 16-184524 DZM; PC # 16-106400

Grace:

Attached for submittal into the record are pdf copies of letters from Mr. Ramis and Mr. Crowell. Paper copies will be available at this afternoon's hearing.

Would you please confirm that they were received and entered into the record?

Thanks.

JOSEPH SCHAEFER | Land Use Planner
Jordan Ramis PC | Attorneys at Law
Direct: 503 598-5584 Main: 503 598-7070
Cell: 503 819-4764

Portland OR | Vancouver WA | Bend OR
www.jordanramis.com

Moore-Love, Karla

From: Susan Lindsay <lindsays@pdx.edu>
Sent: Wednesday, April 12, 2017 10:56 AM
To: Wheeler, Mayor; Commissioner Saltzman; Commissioner Fish; Commissioner Fritz; Commissioner Eudaly
Cc: Grumm, Matt; Howard, Nathan; Runkel, Marshall; Dunphy, Jamie; Adamsick, Claire; Nieves, Cristina; Moore-Love, Karla; Parsons, Susan; Chisek, Kyle
Subject: Testimony Ankeny Apartments: LU 16- 184524: Reject Appeal

Honorable Mayor Wheeler and fellow Portland City Commissioners,

Today you consider an appeal of a staff and Design Commission rejection for a proposed new development in the Buckman neighborhood.

I write to urge you to uphold the Design Commission's rejection of the Ankeny Apartments design proposal for 1122 SE Ankeny St.

This proposal has been unanimously rejected by the members of the Design Commission due to its failure with key required guidelines of massing, context and design.

While the promoted "zero-emissions" aspects of the project are interesting and commendable, this element is being used too heavily to garner support at the expense of the established and required standards and frameworks with the design review approval process and context.

Despite six meetings with the design commission, applicant refused to address or at times to even respond to serious concerns the commissioners had about the proposal and as a result the BDS staff changed their initial finding and recommended a denial in January of 2017.

Due to improper notification by BSD and lack of developer outreach and participation, the neighborhood association was not able to formalize an objection to the project, but numerous concerns raised by community members were noted.

The Design Commission rarely rejects an application, but they certainly got this one right and I ask you to reject it too in its present proposed form.

Addressing the noted serious contextual and massing concerns and working proactively with a neighborhood which historically has collaborated positively on many new developments would be recommended.

Thank you,

Susan Lindsay
625 SE 17th Avenue
Portland, OR 97214

**ANKENY APARTMENTS APPEAL
TESTIMONY FROM JULIE LIVINGSTON**

2017-04-12

Good Afternoon Commissioners.

My name is Julie Livingston. I have been a member of the Commission for two years. During that time, the Ankeny Apartments has been the only proposal to not be approved by the Commission.

I'll begin with an idea that isn't broadly understood. Development standards that describe the maximum allowances permitted on a site (height, floor area ratio, number of housing units, etc.) aren't "entitlements", they are "allowances". The entitlement is a building permit issued by the Bureau of Development Services. By their very nature, standards aren't site specific and must be adapted to fit a great variety of site conditions. Design guidelines help us do this.

Here's a follow up thought: ALL GUIDELINES MATTER. There is no process in place to prioritize one guideline above another, and neither the applicant nor BDS staff nor the Design Commission may choose to waive a guideline. The guidelines do the hard work of maintaining the integrity of Portland's urban environment and the positive attention Portland receives is proof the system works.

I'd like to clarify the intent of two guidelines.

- **C3.2: Respect Adjacent Residential Neighborhoods.** This is a Central Eastside Design District guideline. The text reads "Respect the architectural character and development patterns of adjacent residential neighborhoods."
and
- **C4: Complement the Context of Existing Buildings.** This is a Central City Fundamental guideline. The text reads "Design characteristics reflected in an area's design vocabulary include building proportion, scale, rhythm, and construction materials, as well as smaller-scale elements such as window and door styles, color, and roof shape."

These guidelines are an acknowledgement that the Central Eastside District recognizes the importance of and desires to continue its sensitive and contextual relationship with adjacent residential development.

The proposed building fails to acknowledge commonly respected existing patterns of development in this transitional neighborhood, like the traditional street, side yard and rear yard setbacks that provide all neighbors with the benefits of privacy and access to light. The bulk and massing of this building has a significant negative impact on the character, livability, and architectural value of adjacent residential development.

While the proposal succeeds very well at the innovative use of some elements of design vocabulary, its bulk and massing also fail to speak the language of the Central Eastside's context with respect to building proportion, scale, and rhythm—all necessary elements of a coherent contextual response.

This site is at the perimeter of the Central City D overlay. It has been included in the overlay not because it's critical to maintaining the personality of the Central City, but because it's critical to maintaining the personality of a close-in residential neighborhoods.

The Portland Plan projects an additional 135,000 households in the city by 2035. This means the current pace of redevelopment within Central City neighborhoods is going to increase dramatically. This is a good thing—dense urban housing is inherently more sustainable and places less demand on other elements of infrastructure.

Close-in neighborhoods can and will accommodate much greater density in 20 years, but if we as a community value their diverse and historic nature, there are sites where maximum allowances must be balanced with the judicious application of guidelines to insure sensitive transitions from the Central City to some of our city's most beloved residential neighborhoods.

Thank you.

Landon Crowell
1122 SE Ankeny St.
Portland OR 97214
503-750-8744

April 12, 2017

Mayor Wheeler and City Council

By Hand Delivery

Re: Net Zero Ankeny Apartments

Dear Mayor and City Council:

Thank you for taking the time to consider my proposal for the Net Zero Ankeny Apartments, which will be the first Net Zero multifamily project in Portland.

I have owned the property since 2004 and gradually developed a unique vision for the best green design for urban residential living in downtown Portland, while respecting the different types of development on neighboring parcels. I have expressed this vision in speeches to many people and groups interested in redevelopment of the Central City, including PDC, HUD, the Design Commission and the Energy Trust of Oregon.

I hired the leading firm of Yost Grube Hall Architecture which has worked closely with me these last few years on the project design. I instructed YGH to follow the zoning code regarding height and floor area ratio, and the related time, place and manner land use regulations in the Central City Plan District.

Working within that building envelope, YGH thoughtfully distilled the concepts expressed in my speeches into exquisite architectural plans. The design expresses my views and those of my architect. It is a statement about urban living, our relation to our planet and our community, and our opinion about how those concepts can best be achieved in Portland. The communication is nonverbal but it is a statement nonetheless.

Now is the time for those speeches and plans to be expressed in three dimensions, with a new green building that aspires to the highest standards of energy independence so that YGH and I can say to the next generation of Portlanders that they will enjoy the benefits of urban living while protecting the environment from the adverse impacts of excessive energy consumption.

Sincerely,

A handwritten signature in black ink, reading "Landon K. Crowell". The signature is fluid and cursive, with the first name "Landon" and last name "Crowell" clearly legible.

Tim Ramis
4-12-17
1 of 2

Nonconforming Use Policy

33.258.010 Purpose [Excerpt]

Instead, the intent is to guide future uses and development in a new direction consistent with City policy....The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations.

Targeted Use of Guidelines

33.510.205 Height [Excerpt]

D. Performance standard for sites adjacent to historic districts.

2. Approval of a height increase based on this subsection in no way limits the ability of the review body conducting design review to require reconfiguration of the building's design, including lowering the height of the building or reducing the amount of the increase. The review body will base its review on application of both the general design guidelines applicable to the area, and the subdistrict guidelines applicable to the adjacent historic district.

Central City Plan District Code Citations

33.510.020 Where the Regulations Apply [Excerpt]

The regulations of this chapter apply to the Central City plan district.... The plan district standards for uses, floor area ratio, height, bonuses, transfer of development rights, required residential development, amount of parking, and Central City master plans control when in conflict with any base or overlay zone.

33.510.205 Height [Excerpt]

A. Purpose. The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

D. Performance standard for sites adjacent to historic districts.

2. Approval of a height increase based on this subsection in no way limits the ability of the review body conducting design review to require reconfiguration of the building's design, including lowering the height of the building or reducing the amount of the increase. The review body will base its review on application of both the general design guidelines applicable to the area, and the subdistrict guidelines applicable to the adjacent historic district.

Tom Kelly
Chair

Gustavo J. Cruz, Jr.
Commissioner

Mark Edlen
Commissioner

Alisha Moreland-
Capua
Commissioner

William Myers
Commissioner

Ted Wheeler
Mayor

Kimberly Branam
Executive Director

February 23, 2017

Landon Crowell
Rland Development Company LLC
1122 SE Ankeny Street
Portland, OR 97214

RE: Letter of Support for Rland Development Company LLC development to build a 17 unit apartment complex located at 112 SE Ankeny Street / 113 SE 12th Avenue in Portland, Oregon (also known as the "Project")

Dear Landon:

This letter is intended to confirm that the Portland Development Commission ("PDC") fully supports the proposed redevelopment project located at 112 SE Ankeny Street / 113 SE 12th Avenue, Portland, OR 97214 known as The "L" Project / Ankeny Street Apartments (the "Project"). The Project exemplifies PDC's commitment to urban innovation, environmental sustainability, and the advancement of City Council's Adopted West Quadrant Concept Plan Goals and Policies.

The "L" is a technologically ambitious project aiming to achieve "Net Zero" energy use through a combination of sustainable energy systems and passive house design techniques. This innovative project exemplifies the City of Portland's commitment to new technology, cutting edge design, and green practices to create a vibrant and healthy city.


The L conforms to its current EXd (Central Employment) zoning, increases housing density, and also adds to the diversity of housing options in the district-which are all goals of the Adopted CC2035 West Quadrant Plan.

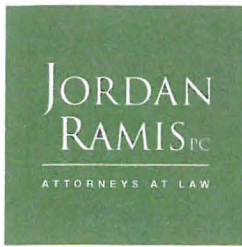
The Portland Development Commission has provided support for this project through a Development Opportunity Service Grant, a predevelopment loan, and will continue to support this project going forward through the development process.

Sincerely,

222 NW Fifth Avenue
Portland, OR
97209-3859

503-823-3200 Main
503-823-3368 Fax
503-823-3366 TTY


Kimberly Branam
Executive Director



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360-567-3900

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

April 11, 2017

City of Portland
1120 SW 5th Ave, Suite 1200
Portland OR 97204

Re: **Design Review Appeal for Net Zero Ankeny Apartments**

Dear Mayor and City Council Members:

The Net Zero Ankeny Apartments is the first multifamily Net Zero project in Oregon. The project supports many City goals and policies, including increasing residential density in the central city, reducing reliance on auto transportation, and brings Portland's Climate Action Plan to fruition. This letter is provided for your consideration on behalf of Landon K. Crowell, the property owner and developer, for his appeal of the Design Commission's apparent reversal and final decision to deny the project, which was designed by one of Portland's leading firms, Yost Grube Hall.

The decision contradicts earlier statements by Commission members and the staff report of January 5, 2017 which recommended approval of the current design. Clearly the Design Commission and staff were able to see how this project – as modified pursuant to the request of the Design Commission – satisfies all the relevant standards and criteria, and we ask the City Council to reach that same conclusion and approve the appeal. The decision also contradicts the strong letter of support from the Portland Development Commission.

The principal rationale for the denial is “massing, bulk and scale”; however the building is substantially smaller than allowed by the Central City Plan District. The allowed height is 95 feet, whereas two portions of this building are only 73 feet (two stories less than allowed), and the third portion facing SE 12th is further reduced to just 63 feet (three stories less than allowed). Furthermore, early next year the allowed height increases to 125 feet, nearly twice the height which was deemed too tall in this application.

We recognize the Design Commission is sensitive about how this building will affect the single family houses on this block, and this presents a fundamental policy choice to the City Council. This Central City block can either be redeveloped to accommodate vestigial single family houses, or it can be redeveloped consistent with the zoning for this new century. Our view is that the prior legislative decision to allow 95 foot tall buildings in this neighborhood was correct, and the Design Commission's decision that a 73 foot building is too tall is incorrect, both as a matter of urban design, and as a matter of code interpretation. Regarding urban design, the Commission has approved numerous other buildings of a similar scale in the immediate neighborhood, as shown by the three dimensional model which includes nearby blocks.

April 11, 2017

Page 2

Regarding the zoning code, the Design Commission relied on the subjective criteria found in the design overlay zone. However, those criteria are superseded by the allowed height established in the Central City Plan District. "Where there is a conflict between the plan district regulations and the base zone, overlay zone, or other regulations of this Title, the plan district regulations control." (PCC 33.500.040). Remarkably, in accordance with its usual practices, the Design Commission decision does not ever mention the allowed height in Central City Plan District regulations, or explain how the application complies with them, notwithstanding that "the plan district regulations control". The Design Commission is deep in its silo and ignores the controlling regulations which proscribe its authority to dramatically reduce the allowed height of this building, and thereby reduce the number of apartments that are in such short supply.

We therefore ask the City Council to adopt the findings of the January 5, 2017 staff report and approve the appeal, as the most direct solution to this dilemma.

A second option would be to implement the zoning code as written; that is, to confirm that the allowed height in a Plan District supersedes contrary regulations in a base zone or overlay zone that justify reducing the height, and approve the appeal. Both of these options approve the appeal and avoid conflict over the Design Commission's authority.

Mr. Crowell asks the Council to recognize two things. First, the City's investment in the project through the PDC represents the City's commitment to the development community that good projects can get done in Portland. If the appeal is not approved, that commitment will be undermined, leaving PDC in the position of explaining to their stakeholders why the oft-stated goals of increasing housing density and energy independence are less important than nonconforming single family houses in the Central City. It will also leave the City Council in the position of explaining the conflict between its two commissions, and why it cannot support a 73 foot building on a block that is planned for 125 foot buildings.

Mr. Crowell's design is also an expression of his views and commitment to energy independence, urban living, Central City vibrancy and resolution of conflict with nonconforming uses. The Design Commission decision is a content-based prior restraint of the free expression and free speech rights of Mr. Crowell and his architects. The record clearly shows there is no compelling government interest in the protection of the vestigial houses from tall buildings; rather, the zoning code classifies them as nonconforming structures and uses, and "[t]he intent is to protect the character of the area by reducing the negative impacts from nonconforming situations." (PCC 33.258.010) In addition, the voluminous record of the 2035 Comprehensive Plan update demonstrates the City's most compelling interest is to have even taller buildings and more housing on this block, as allowed by the recent 30 foot legislative height increase that will take effect next year. Even if there was a compelling interest in shorter buildings, the subjective design criteria are not the least restrictive means of protecting that interest.

Approval of the project avoids state and federal constitutional scrutiny by implementing the zoning code as written; that is, by interpreting Section 33.500.040 and Map 510-3 to mean what they say: the allowed height for this block is 95 feet, and overlay zone regulations which purportedly authorize denial of this building design because it is too tall – despite being two and three stories shorter than allowed – are superseded by the Plan District regulations.

JORDAN RAMIS PC
ATTORNEYS AT LAW

April 11, 2017
Page 3

Thank you for considering this appeal, and we hope you will support Mr. Crowell in his effort to bring Net Zero housing to Portland.

Sincerely,

JORDAN RAMIS PC



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

cc: Landon Crowell
Bob Zimmerman, YGH Architecture
Jerry Waters, YGH Architecture
Lisa Kaner, Markowitz Herbold PC

#363

AUDITOR 04/10/17 AM10:41

Regarding LU 16-184524 DZM
1122 SE Ankeny St

City of Portland Council Clerk

April 3, 2017

Dear City Council,

I am writing in regards to a land use review near the corner of Ankeny and 12th. It came to my attention thru the Buckman Community Association (BCA) via the property neighbors to the north and south. Our only inteaction on the project has been thru developer Landon Comwell's architect, YGH.

The design team has presented to the BCA on two occassions. Both times, the board voiced concerns over the massing and scale of the proposed development, and a handful of other issues.

Unfortunately the way the notice for the Land Use Appeal was sent, the Buckman Board will not be able to meet and discuss the appeal prior to the hearing. (Appeal sent March 22. Board meets April 13th, the day after the appeal hearing). However, the attached minutes and letter sum up the overall concerns voiced during board meetings, and feel they should be brought to Council's attention in regards to the appeal.

Thank you,

Jeff C Burns
Buckman Resident

1336 SE 20th Avenue, Portland Oregon 97214
jeff@organicmodern.com – 503.351.6553 cell

Minutes Buckman Community Association Land Use Committee

Date: 10/20/2016, 7:00, PM, Multnomah County Building

Board Members Present: Rick Johnson, Susan Lindsay, Jeffery Burns, Sam Noble,
Sil Pierson, Matt Johnson

Absent: Lauren Leland, Courtney Graham, Nate Smith

Public Present: See last pages

1122 SE ANKENY
WGH Architects presented on the proposed L shaped building at 1122 SE Ankeny. The building will have 17 mostly two bedroom apartments. Developer is looking to house families as long term renters. It will be a certified green building with net zero energy use. There will be 6 parking spaces all with electric vehicle plug in. The building is 30 ft wide and 70 ft tall on the SE 12th Street projection.

Neighbors whose houses are single family residents voiced concern over having a 70 foot building along one side and across the back of their lots. Specifically the massing and computability with existing structures was discussed.

Portland Development money is involved but the Architect didn't know how much.

Scott Edwards Architects presented on the Custom Stamp Buildings. The buildings are the two blocks north of SE Madison between SE 9th and 10th. Buildings will be restored for office space, retail and manufacturing. Sidewalks will be restored, trees added and curb cuts will be minimized to allow more parking.

Owner requested a letter from BCA that we recommended the project.

Final business was about the proposed building at 310 SE 12th the old Portland Compressor Building which is being replaced with an 84 unit 4 story apartment. Owner is requesting a variance on ground floor window area coverage and a rear setback variance to allow a transformer in the setback. Neighbor Nick Gurnon was in attendance and had concerns about having a 5.5x5.5x5.5 foot transformer 5ft from his property with the enclosure only 2.5 ft away. There are also two 24 inch plus diameter trees right on the property line which could die if their roots are damaged. Transformer noise was also a concern.

Susan Lindsay made a motion to have Land Use Committee write a letter of opposition to the variances. Motion was seconded by Sil Pierson. Vote was 6-0 motion passed. Land Chair Rick Johnson will write letter.

SIGN-IN SHEET Buckman Community Association

October 20, 2016

Membership is open to you if you are a resident, property owner, business owner within the neighborhood boundaries. Please indicate Yes or No under member

Name	email	Phone	Address	Memb.
NANCY OBSCHNIDT	nancyoberschmidt@gmail.com	503 231 7322	1507 SE ALDER	yes
JERRY WATERS	jerryw@ygh.com	503 221 0150	707 SW WASH STE 1200	no
BRIAN DURBAN	briand@ygh.com	503 221 0150	"	NO
Bob Zimmerman	bobze@ygh.com	" "	"	NO
Paul Sturges		503 538 5160		
Priscilla Sturges	N/A	(503) 538-5166	1906 Birch Lane, Newberg	No
Jody Lewis	avidyoja@gmail.com	503-975-0296	113 S.E. 12th Ave	No
Bill Phillips			113 S.E. 12th Ave.	NO
Mary Roberts		503-380-0531	121 SE 12th Ave	
Michael Beglan				
Michael Beglan		503-516-9475	121 SE 12th Ave	
Cathy Lamb Mullis		503 349-9079	1505 SE Ash	Y
Greg Moullist	moullist@gmail.com		1524 SE Ash	Y
Rick Johnson	on f.b		1417 SE OAK ST	Y

Meetings are held at the Multnomah County Boardroom: 501 SE Hawthorne Blvd. www.buckmanpdx.org

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SIGN-IN SHEET Buckman Community Association

October 13, 2016 10-20-16

Membership is open to you if you are a resident, property owner, business owner within the neighborhood boundaries. Please indicate Yes or No under member

Name	email	Phone	Address	Memb.
Soren Johnson	on file			
PAUL STARK	on file			
Sil Spierovi	Spierovi@comcast.net			
Mary Sykora	earthundfire@gmail.com		829 SE 15th Ave	Not yet?
Tom Byrne	tbyrne@seallp.com		2525 E. Burnside	N.
Jeff Sackett	sackett@upstone-partners.com	(503) 226-1972	1015 NW 11th Ave #243	wo
PETER GRIMM	peter@seallp.com	503.226.7417	2525 E. BURNINGIDE	N.
NICHOLAS GURNON	nickgurnon@gmail.com	860 760 8157	1225 SE OAK ST.	Y
JEFF BURNS	jeff@organic.modern.com	on FILE	ON FILE	Y
Jean Rose	jeanrose06@gmail.com	on FILE	ON FILE	Y
Whitney Beyer	whitney@925@gmail.com	on FILE	ON FILE	Y
Sam Noble	on file			
Jeffrey Yasskin	jyasskin@gmail.com	979-575-4530	2632 SE Salmon St	Y?
Mark Johnson	on file	on file	"	Y

Susan Lindsey
Meetings are held at the Multnomah County Boardroom: 501 SE Hawthorne Blvd. www.buckmanpdx.org

625 SE 17th Ave
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Regarding LU 16-184524 DZM
1122 SE Ankeny St
~~ANKENY~~

Grace Jeffreys
City of Portland Development Staff

September 18, 2016

Dear Grace,

I am writing in regards to a land use review near the corner of Ankeny and 12th. It came to my attention thru the Buckman Community Association (BCA) via the property neighbors to the north and south. To my knowledge, the development team has not reached out to the BCA.

It's a project that pretty much seems to follow the allowable development in Exd in the Central Eastside, with two exceptions – one for bike parking, and one for window projections. It's the future in Exd zoning, to its maximum.

It's a beautiful design in and of itself, and a great exercise in maxing out development potential, it's a good comment on what is allowable in the zoning code, and how it can be contrary to good development to PDX urban fabric and community:

- a. The proposed building is zero lot line setbacks on all sides and 50+ feet tall, the abutting existing properties to the north and south are single family dwellings.
- b. The blank walls on the zero lot lines will be a prominent backdrop from the public right of way; while they are not on the street edge, they're not going to be blocked in any substantial way by the existing development. The spirit of the zoning code encourages a certain amount of windows along street frontages.
- c. There are two gated driveway entrances at street level – 12th is a busy street – Ankeny is a bike corridor.
- d. The ground floor appears to be devoted primarily to three parking spaces and a single loaded drive aisle, which doesn't make for an engaging pedestrian ground level.
- e. The massing of the building blocks the majority of sunlight to the north neighbors. They will be living in the shadow of the proposed building for 75% of the year.
- f. The massing on the interior east side is broken up by solar panels that are not a 'structural element' that could easily be removed from the project. The orientation is not ideal, as Portland has hazing morning and the building will block most of the light in the winter time.
- g. Plans for the floors above grade have not been supplied, but based on the limited street frontages, the units will have very little access to daylight.
- h. The neighbors to the north and south have indicated that they have not been engaged regarding the design.

It would be healthy for the development team to have the opportunity to present the project to the BCA, and the neighbors have the opportunity to weigh in on the project in a community forum.

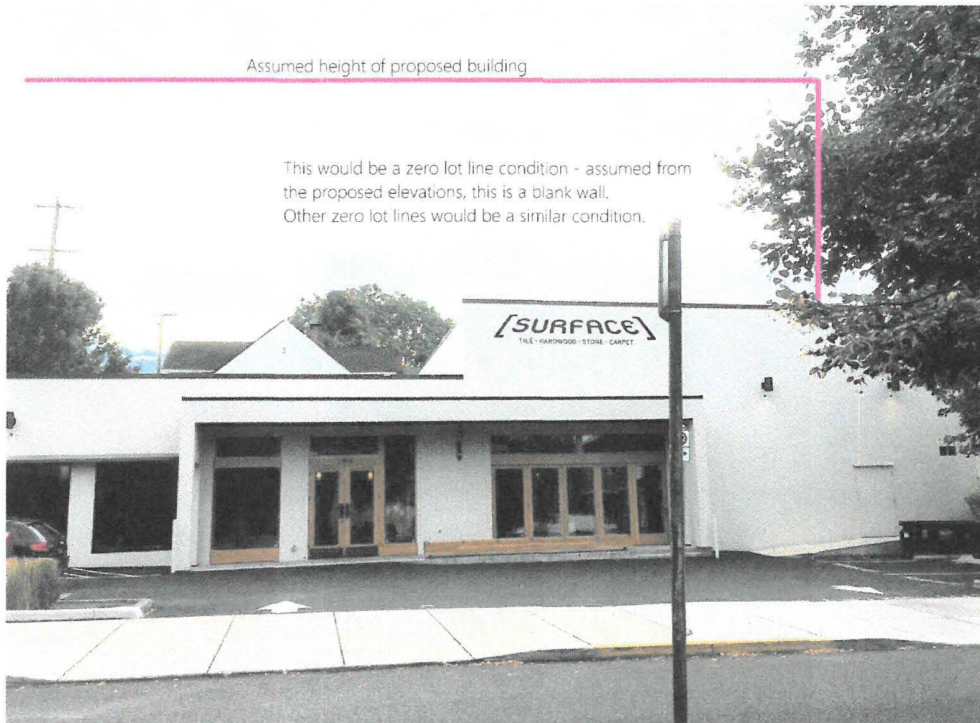
Sincerely

Jeff C Burns
Buckman Resident
1336 SE 20th Avenue, Portland Oregon 97214
jeff@organicmodern.com – 503.351.6553 cell

Cc: BCA

Assumed height of proposed building

This would be a zero lot line condition - assumed from the proposed elevations, this is a blank wall. Other zero lot lines would be a similar condition.



Moore-Love, Karla

From: Stephenson, Garrett H. <GStephenson@SCHWABE.com>
Sent: Friday, April 07, 2017 2:31 PM
To: Moore-Love, Karla; Council Clerk – Testimony
Cc: Jeffreys, Grace; 'Mary Elizabeth Roberts'; Safley, K. C.; Hauck, Terry; 'cwhite@radlerwhite.com'
Subject: Testimony on behalf of Mary Roberts - Appeal of LU 16-184524 DZM (Ankeny Apartments)
Attachments: Mary Roberts Testimony LU 16-184524.pdf

Dear Karla,

Please find attached testimony on behalf of Mary Roberts in opposition to the appeal of LU 16-184524 DZM. An appeal hearing on this matter is scheduled for Wednesday, April 12, at 2:00 PM.

Please place this letter and its attachments before the City Council members as soon as possible and place it into the official record of this proceeding. Please also confirm that you have received it.

Thank you.

Garrett H. Stephenson
Of Counsel

Schwabe Williamson & Wyatt

Direct: 503-796-2893
Mobile: 503-320-3715
gstephenson@schwabe.com

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www.schwabe.com

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April 7, 2017

Garrett H. Stephenson
T: 503-796-2893
gstephenson@schwabe.com

VIA E-MAIL

Mayor Ted Wheeler
City of Portland
Council Clerk
1221 SW 4th Avenue, Room 130
Portland, OR 97204

RE: Appeal of the Ankeny Apartments (LU 16-184524)
Letter in Opposition of Appeal on Behalf of Mary Roberts

Dear Mayor and Commissioners:

This office represents Mary Roberts, who lives at 121 SE 12th Street, directly abutting the proposed Ankeny Apartments (1122 SE Ankeny Street) (the "Project"). Ms. Roberts opposes the Project because it does not meet the applicable Design Guidelines (the "Guidelines") and because she will suffer direct adverse construction and livability impacts if the Project is constructed. This letter explains why the City Council should affirm the decision (the "Decision") of the Portland Design Commission (the "Commission") denying the Project. This letter is timely submitted prior to the first appeal hearing at 2:00 PM on April 12, 2017.

1. SUMMARY OF ARGUMENT

The Design Commission is entrusted to collaboratively and fairly implement the Design Guidelines which are the City's primary control on the qualitative elements of buildings. Its process is rigorous, but in virtually every case it results in a better building. Unlike other land use reviews, this routinely takes place over several meetings to ensure an applicant is given ample opportunity to respond to any design concerns. It virtually never results in a denial and in fact, this Appeal concerns the first denial of a Design Review in the recent past.

It is the first recent denial because, despite the Commission's willingness to meet with the Applicant on five separate occasions, the Applicant simply ignored all Guidelines related to the Project's bulk, massing, height, and neighborhood compatibility, and nearly every suggestion provided by the Commission to help the Project meet those guidelines. The Applicant's position is simple: the Project is a "net-zero" building and regardless of its compliance with the Guidelines, it must be approved as a showcase of green technology.

The Applicant's sole argument is that the Guidelines cannot be read to apply to a building's height, bulk, or massing because the maximum floor area ratio and height under the

Central City Plan District is an entitlement – an inviolable property right. This argument misreads the Portland Zoning Code for two clear reasons. First, there is nothing in the Code that suggests an applicant has an inviolable right to build to height and FAR maximums if doing so would violate the Design Guidelines. Second, there is no conflict between the quantitative standards of the Plan District and the qualitative Guidelines; both can be read together to result in the Decision.

More importantly, the Applicant's argument invites the Council to substantially reduce the effectiveness of Design Review. If the Council agrees that issues of height, bulk, massing, and neighborhood compatibility are trumped by maximum allowable height and FAR, the Guidelines will become advisory and the roll of Design Review will be sharply diminished.

The Council should not make such a wide-ranging decision based on this Appeal alone. Rather, the Council must apply all the Guidelines to this specific Project; failure of the Project to meet even one of the Guidelines requires denial. As explained in the Decision, the Project fails to meet at least seven Design Guidelines by failing to accommodate in any way the single-family homes that surround it. As the Commission's discussions attest, the Decision was neither casual nor callous – the Commission clearly supports the project goals but correctly determined that the design was nowhere near meeting all applicable Guidelines.

Above all, the most important reason for applying all the Guidelines and affirming the Decision is that the Project will have a real adverse impact on the wellbeing and quality of life of my client and her neighbors; people whom the Guidelines were plainly enact to protect.

For all of these reasons, explained in detail below, we urge the Council to affirm the Decision and deny the Application.

2. DISCUSSION

(a) The Project does not meet applicable design guidelines.

The Central City Fundamental Design Guidelines and the Special Design Guidelines for the Design Zone of the Central Eastside District constitute the applicable criteria for the Application. Portland City Code ("PCC") 33.825.055.¹ They are not advisory and failure to meet them requires denial, as explained by the following statement from the Central City Guidelines:

"Design guidelines are qualitative statements that address the desired character of development. Their qualitative nature is intended to provide flexibility for designers and developers in achieving the city's urban design goals. **This flexibility must not be construed as rendering the guidelines merely advisory or otherwise diminish their legal effect as mandatory approval criteria.**"

¹ The Zoning Code as a whole is referred to throughout as the "Code" or "Zoning Code." The Portland City Code is referred to as the PCC for purposes of code citations.

Central City Fundamental Design Guidelines at 16. In both the initial Design Review and this Appeal the Applicant bears the burden of proof and must demonstrate that the Project meets all applicable Guidelines.

After holding five meetings on the Project (and thereby providing the Applicant with substantial and specific advice on how to meet the guidelines), the Commission determined that the Applicant failed to meet seven Guidelines: A4, A5, C2, C4, and C5 of the Central City/Central Eastside Guidelines, and C3-1 and C3-2 of the Central Eastside Guidelines.² **Exhibit 1.** As explained below, the Council can and should affirm the Commission's decision as to all seven of these Guidelines. Even if the Council determines that the Applicant met some of these Guidelines, failure to meet any one Guideline requires denial of the Application. Consequently, if the Council reverses the Decision, it must find that the Project meets each of these Guidelines and explain how it does so. These Guidelines are listed in detail, below:

- **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. The Central Eastside Guidelines note that "within the district, a context can be found in the siting, scale, material use and detailing of many older buildings."
- **C3-2 Respect Adjacent Residential Neighborhoods.** Respect the architectural character and development patterns of adjacent residential neighborhoods. The Central Eastside Guidelines specifically address the EX zoning along SE 11th and 12th and emphasize protection of existing residential uses and the importance of these existing residential areas to smooth the transition to the single-family neighborhoods to the east: "New development should respect the architectural styles and development patterns of the adjacent residential neighborhoods. Consideration should be given to building height and bulk, building orientation, [...] architectural detailing and overall architectural style. The 10th-12th Avenue area should provide a graceful transition from the residential uses to the east and the C.E.I.D. core to the west." Emphasis added.

² Note that the Central Eastside Design Guidelines include the same general Guidelines used in the Central City Guidelines, but add additional sub-guidelines.

- **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.

In addition to the reasons identified in the Final Findings and Decision (the “Findings”),³ the Project fails to meet the above guidelines because it has absolutely no respect for the development pattern of the adjacent single-family neighborhood along SE 12th, as shown in the following image submitted by the Applicant (existing homes are outlined in black and the Project is outlined in red):



The Project, proposed to be constructed in three connected “towers,” consists of approximately 32,280 sq. ft. on two lots, which combined consist of only 5,380 sq. ft. It exceeds the height of the homes directly to the north by nearly 40 feet and the homes to the south by approximately 35 feet without providing any setbacks (the only separation between the existing homes and the Project are those homes’ own setbacks). It will cast a shadow that will encompass the entirety of the house located at 113 SE 12th Avenue. It also does nothing to stylistically conform to the row of historic Queen Anne homes along 12th Avenue. In total, the Project overwhelms every structure on the block, including the single-story commercial and warehouse buildings on the other side of the block.

The two lots are 34 feet wide along SE Ankeny and 30 feet wide along NE 12th respectively, not much wider than the minimum frontage needed for a single-family dwelling. As proposed, the Project is 70 feet tall with an FAR of approximately 5:1. The Commission continually iterated that more than anything else, the interaction between the building and the

³ The Findings were adopted by the Commission at their February 2, 2017 meeting and are attached as **Exhibit 1**.

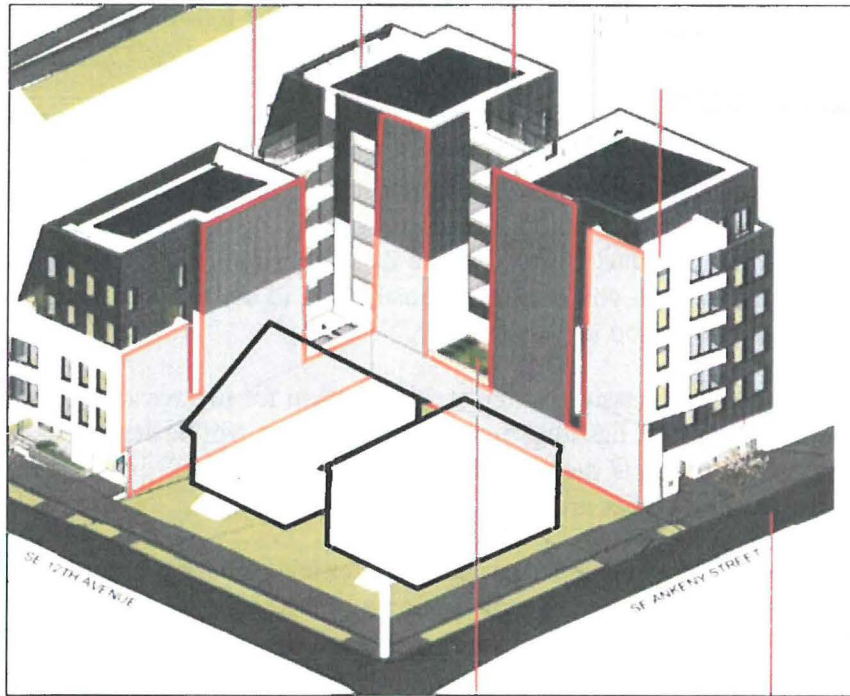
site causes it to fail to meet the Guidelines, as explained by the following statement of Commissioner Livingston at the January 5, 2016 hearing:

“Generally, we can look forward and [...] project redevelopment very easily. We can’t do that here, partly because of the unusual shape of the lot, partly because of the modest dimensions of the lot, those combined with the development standards [...] I think really create an unacceptable impact on the surrounding context. And, all of the guidelines matter. Some of them you are addressing very, very well, but some of them you are just choosing not to address because the bulk of the program is simply too big for this site.”

The Applicant proposes this massive design at this location for two reasons. First, the land is available: the Applicant has long owned the home that will be demolished to make way for the Project. Second, and the Applicant’s goal of a “net-zero” development comes at the expense of any other architectural consideration.

Driven by those two circumstances and an inflexible project pro-forma, the Applicant and the proposed building itself are openly contemptuous of the single-family neighborhood adjacent to the Project, as evidenced by the following statement made by the Applicant’s architect near the end of the January 5 hearing: “Granted we have residences that we’ve been discussing...but to some degree they are the anomaly. This is not a neighborhood.” We obviously disagree with that statement. The homes on this block of SE 12th were built between 1894 and 1904. Ms. Roberts’ home and the two homes located directly south are listed on Portland Historic Resource Inventory (**Exhibit 2**), and cannot be redeveloped without a Type IV Demolition Review or a 120-day demolition delay. PCC 33.846.080; PCC 33.445.150. In fact, the Applicant has admitted on numerous occasions that if these houses were to redevelop, a future project built even close to its FAR and height maximums would block solar access to the south-facing arrays that the Applicant asserts are essential to a “net-zero” development. Thus, the Applicant is relying the stability of the neighborhood on this block to make his project work in the first place, making his complete disregard for this neighborhood all the more troubling.

Finally, the Commission correctly determined that the exterior finish of these buildings fails to respect the adjacent residences, three of which are historic. The following image, submitted by the Applicant, is highlighted to show the extent of blank walls that will face the dwellings directly north of the southeast tower:



As demonstrated above, the Project includes neither windows nor setbacks where it abuts these dwellings, and completely fails to satisfy Guidelines A4, C2, C3-1, C3-2 and C4. In so doing, it also fails to satisfy C5, which addresses finish materials.

For the above reasons, as well as those articulated in the Findings, the Council should affirm the Commission's decision as to all of the Guidelines.

(b) The Commission's Decision to deny the Project is consistent with applicable provisions of the Code and adopted Guidelines.

The Design Overlay is "applied to areas where design and neighborhood character are of special concern." PCC 33.420.021. This and other purpose statements in the Code, while not criteria themselves, aid the Commission in its interpretation and application of the Guidelines. For example, denial of a project for height, bulk, and mass reasons is entirely consistent with the stated purpose of the Design Overlay Zone:

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. [...] In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

PCC 33.420.010 (emphasis added). It is similarly consistent with the purpose of the Design Review process itself, which "ensures that development conserves and enhances the recognized

special design values of a site or area", ensures "the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area" and "ensures that certain types of infill development will be compatible with the neighborhood and enhance the area." PCC 33.825.010.

Application of the Guidelines is an inherently qualitative exercise, which is why the City created a Commission that can work with an applicant over several meetings to ensure that a proposal meets the Guidelines. At each meeting on the Application, the Commission repeatedly explained that the proposed bulk and massing of the project is excessive for the extremely small site. At no point did it give the Applicant an ultimatum of either reducing building height or face a denial; rather, it explained that if the proposed height, mass, and bulk were to be maintained, that the Applicant must take design steps to minimize the appearance of those elements, as the following excerpts demonstrate:

- At the December 1, 2016 hearing, Commissioner Livingston indicated that many of the design problems stemmed from the sheerness of the facades to the north and south, saying to the applicant that "we would like the applicant to continue to minimize the perceived height of the development," and "I would like you to...take another pass at the bulk and the sheerness of those walls and think about mitigation that can happen on your own site."
- At the January 5, 2017 hearing, Commissioner Savinar explained: "I understand the challenges of ownership and the difference of a neighborhood in change, society in change; there's lots of ways to develop this block. But I don't think it has to be by accentuating the differences. That doesn't mean that it has to be watered down, but I think the challenge could have been met in a different way that would have been, if not completely acceptable to the neighbors who live next door, but achievable through the guidelines that have been given to us to oversee."
- Commissioner Livingston explained at the same hearing that she was concerned that the Applicant had made few changes to reduce the apparent bulk and massing. "At the last hearing there was a lot of discussion about height, massing, and bulk. Generally, the majority of Commissioners felt that the height was reasonable, not necessarily that bulk and massing were reasonable. There haven't been significant changes made that reduce the perceived bulk and massing of this building."

Emphasis added. Given the above, it is clear the Applicant was not faced with a Hobson's choice between building height and approval. Instead, the Commission rightly found that the Project, viewed in the context of the neighborhood, failed to meet the Guidelines calling for consistency with and respect for adjacent development.

- (i) **The Project's failure to respect and accommodate existing development is a sufficient basis upon which to find that the Guidelines are not met, regardless of the maximum height and FAR in the Central City Plan District.**

The Applicant argues that the Commission cannot deny the Application due to the height, bulk, and massing of the building because he is entitled to the maximum height and FAR bonuses permitted under the Central City Plan District. This is incorrect for several reasons.

First, maximum height and FAR regulations are just that: maximums—the outermost limits on the size and bulk of a building. Maximum height and FAR are not entitlements: there is no statement in the Code supporting the Applicant's position that earned height and FAR bonuses *guarantee* that the building can take full advantage of those bonuses. There is also no statement in the Code or Guidelines supporting the Applicant's position that maximum height and FAR standards invalidate Design Guidelines that would otherwise require the Design Commission to deny a building based on its height, bulk, or neighborhood compatibility.

Second, even if bonus height and FAR were viewed as an inviolable property right, the Applicant's contention that FAR and height maximums supersede the Guidelines is also incorrect. PCC 33.420.010.E.1.a provides that "the regulations in a plan district supersede regulations in overlay zones, base zones, and regulations in the 600s series of chapters." This is undoubtedly so when the matter is an objective development standard in the Code. For example, there is no dispute that the FAR and height maximums of the Central City Plan District apply even though the maximum height of the EX zone is lower. However, this statement does not provide that a qualitative standard—such as a Guideline addressing bulk, massing, and compatibility—are invalid in the face of those same maximums. Moreover, the Design Guidelines are not set forth in "overlay zones, base zones, and regulations in the 600s series of chapters," nor are they even a part of Title 33. Thus, the Applicant's reliance on PCC 33.420.010.E.1 is inapposite.

Finally, even if the Council found that the Design Guidelines are theoretically superseded by the Central City Plan District, the above provision is still inapplicable because there is no direct conflict between the quantitative height and FAR standards of the Plan District and the qualitative Guidelines. PCC 33.420.010 applies only where there is a conflict between two sets of regulations that apply to "the same specific topic" (emphasis added). A conflict does not arise when two land use regulations simply have an impact on the same building element, such as the size of a building. Consequently, the Guidelines upon which the Commission based its denial and the height and FAR maximums of the Plan District are not in conflict, and the Design Commission never read them to be so—as demonstrated by the hearing excerpts above.

(c) Reversing the Decision will permanently undermine the Design Review process.

This appeal amounts to a direct attack on the Design Review process itself. The Applicant never participated in a Design Advice meeting⁴ and intended to file this Appeal from

⁴ The Applicant's attitude toward the Design Advice Request process was as dismissive as his attitude towards Design Review itself, as evidenced in the following exchange from the second of five hearings, held on December 1, 2016:

at least as early as the second meeting: “if staff’s [recommendation for denial] is heeded, I would just have to go to Council and we’ll go from there.” In fact, at the conclusion of the third meeting the Applicant directed the Commission to prepare findings for denial. It retracted this in a January 19 letter from its legal counsel requesting additional consideration by the Commission, which the Commission granted. Despite the Applicant’s continued hostility to any steps it could take to address the Commission’s concerns, the Design Commission met twice more to consider the Project and provided feedback in increasingly specific detail. Each time, the Applicant rejected any possibility of reducing the mass, size, or height of the building, and refused to address the Commission’s concerns with the Project’s stark exterior elevations.

The Applicant’s statements disclose his approach to the Guidelines, which is that the Project is a renewable energy showcase that should not have to play by the same rules as other developments. It should come as no surprise that the Applicant’s initial appeal statement contained no discussion of why the Project satisfies all applicable Guidelines and instead attempted to argue that the Guidelines cannot be read to mean what they say. However innovative and commendable the idea of a “net-zero” building may be, there is nothing in the applicable criteria, the Code, or the Guidelines which suggests that “net-zero” projects simply get a pass when they fail to satisfy a land use permitting requirement.

The Applicant has styled this appeal as a direct polemic between the Design Guidelines and the height and FAR maximums he believes he is entitled to. Reversing the Commission requires the Council to find that the Commission cannot deny an application for failing to satisfy Guidelines that relate to height, bulk, massing, or neighborhood compatibility. If the Council accepts the Applicant’s argument, Design Review will become simply a process for approving exterior details and furnishings, pedestrian elements, and window glazing. Such a decision would forever deprive the Design Commission of the ability to evaluate how a project interacts with and fits within its context and prevent it from crafting a decision with teeth to enforce Guidelines addressing those issues. This outcome is all the more troubling in light of the significant expansion of the Design Review Overlay Zone that will occur when the new Code takes effect on January 1, 2018.

(d) The Project will reduce the quality Ms. Roberts’ and her partner’s life, and those of her neighbors, and will undermine the historic qualities of the existing single-family homes on SE 12th Avenue.

It is important to remember that, although granting this Appeal will have far reaching impacts on Design Review itself, it is no mere academic exercise. This is best explained by Commissioner Savinar at the third meeting: “this is not an intellectual experiment or exercise;

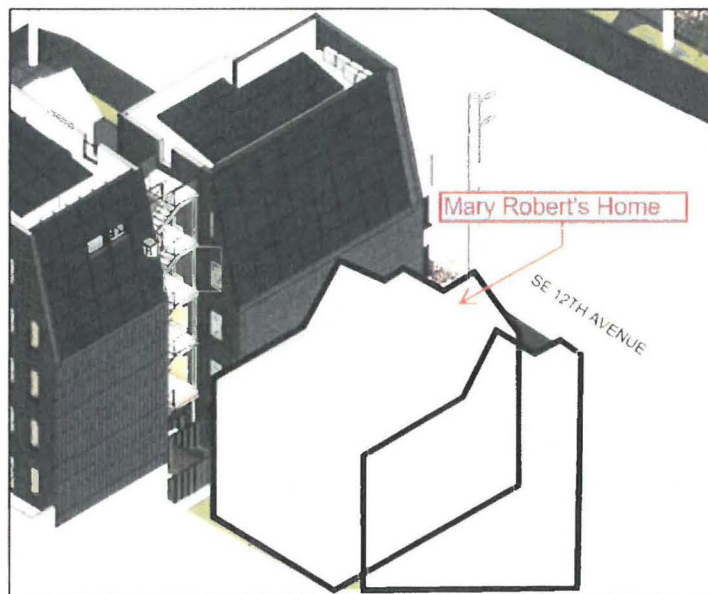
Applicant: “Why not just tell me how to design the whole damn structure? That way I can save a lot more money and design it the way it should be designed?”

Commissioner Vallaster: “That’s one of the advantages of a DAR, of course.”

Applicant: “I understand that, but when you’re developing net zero, it is very, very difficult to do that.”

Commissioner Livingston: “We understand that, but net zero is not addressed in the guidelines.”

this is actually building a part of the City.” This project, if built, will have substantial negative impacts on Ms. Roberts’ quality of life, stemming from both construction related disruptions and a significant reduction in her and her partner’s quality of life. Specifically, it will deprive her home of a substantial amount of light and air and forever present a stark, monolithic 60-foot wall, with an open and lit stairway placed above her backyard, as the following image provided by the Applicant demonstrates:



Ms. Roberts’ and her neighbors’ objections to this project are not born out of a mere psychological opposition to development in the neighborhood or NIMBYism, it is born out of the real adverse impact on the livability of their homes, as their own testimony demonstrates. See **Exhibits 3 and 4**.

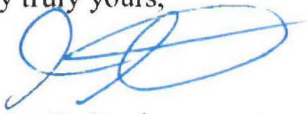
The Applicant never gave an inch to his neighbor’s concerns, and the Council should not discount the Applicant’s missed opportunity to work with them. The Applicant’s approach is paradoxical because, given that the Project will have no setbacks, the Applicant will require construction and maintenance easements that Ms. Roberts has no intention of providing if the Project is approved. Ms. Roberts’ position would very likely change if the Applicant were to make substantive changes to the Project to reduce its impact on her and her neighbors.

3. Conclusion

The Design Commission correctly determined that the Project does not meet several Design Guidelines and that determination is within the range of discretion afforded the Commission during its consideration of the Application. For the above reasons, the Council should affirm the Decision of the Design Commission and deny the Application.

Mayor Ted Wheeler
April 7, 2017
Page 11

Very truly yours,



Garrett H. Stephenson

GST:ng
Enclosures

cc: Mary Roberts
Ms. Grace Jeffreys, Portland Bureau of Development Services
Ms. Christe White, Radler White Parks & Alexander, LLP
Mr. K.C. Safley, Schwabe Williamson & Wyatt, PC
Mr. Terry Hauck, Schwabe Williamson & Wyatt, PC

PDX\122481\221964\GST\20421953.3



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

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**FINAL FINDINGS AND DECISION BY THE DESIGN
 COMMISSION RENDERED ON February 2, 2017**

The Design Commission has **denied** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-184524 DZM
PC # 16-106400

Ankeny Apartments

BUREAU OF DEVELOPMENT SERVICES STAFF: Grace Jeffreys 503-823-7840 /
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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 Rick Johnson at rickjohnson77@comcast.net

Business District: Central Eastside Industrial Council, contact 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 latter has become 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 1st hearing on October 6, 2016, seven (7) neighbors signed up for public testimony noting opposition to 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. (Exhibit H.6). Additional written testimony was received from Mary Roberts in the form of a Street elevation of SE 12th (Exhibit H.6).
- At the 2nd hearing on December 1, 2016, three (3) neighbors testified in opposition to the proposal, and two (2) people testified in support of the proposal, including the owner and his construction manager (Exhibit H.17).
- At the 3rd hearing on January 5, 2017, five (5) neighbors testified in opposition to the proposal, and two (2) people testified in support of the proposal, including the owner and his construction manager (Exhibit H.25).
- At the 4th hearing on January 19, 2017, one (1) neighbor testified in opposition to the proposal (Exhibit H.31).

Procedural History:

The first Design Review (DZ) hearing was held on October 6, 2016. 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 Concrete Masonry Units (CMU) and wood siding, the cladding does not meet quality and permanence requirements.

After the first hearing on October 6, 2016, 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 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 on December 1, 2016, 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 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 Commission reiterated that DAR would have been a great opportunity to inform the scheme before carrying on so far with the Design Review process. The Commission found that 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, this proposal still did not yet meet *Design Guidelines C2, C3-2, C4, and C.5*. Following the hearing, staff also found that some aspects of *Design Guidelines A4, A5, and C3-1* were also not yet met due to the massing, scale and bulk, as well as the metal panel cladding.

The applicant chose to not make any additional changes requested by the Design Commission in order to meet the design guidelines, and requested a decision of denial with the stated intent to appeal a denial to City Council.

The fourth Design Review (DZ) hearing was held on January 19, 2017. The Commission found that 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, this proposal did not yet meet *Design Guidelines A4, A5, C2, C3-1, C3-2, C4, and C.5*.

At this hearing, the applicant asked for an additional hearing to investigate further design changes.

The fifth Design Review (DZ) hearing was held on February 2, 2017. The applicant presented more design options, however, after further discussion, they decided to not to further pursue these, and called for a vote.

The Commission found that 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, this proposal still did not meet *Design Guidelines A4, A5, C2, C3-1, C3-2, C4, and C.5*.

ZONING CODE APPROVAL CRITERIA

(1) Design Review (33.825)

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.

The Design Commission 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 described in the Central Eastside Design Goals:

- Energy and sustainability are common themes in Portland. 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.
- To provide continuity between the Central Eastside and downtown, smooth and textured stucco, storefront glazing, and heavy steel at the ground level are proposed, all durable materials used in the Central City. The ground level consists of a vertical textured plaster render along with storefront glazing to activate the sidewalk, and 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, and enhance the safety, convenience, pleasure, and comfort of pedestrians.

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: The applicant intends this proposal to act as a bridging element between the large-scale housing developments of the Central East Side and the more residential neighborhoods 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, the open stairwells, and the metal paneling are not compatible with the local character of this site, including the residential structures that the proposal envelops and flanks. For example, if the end walls included additional massing shifts, windows, and materials such as stucco or other non-metallic siding to better respond to the immediate lower scaled, residential context, and the stairwells were further enclosed to reduce their impact in the immediate neighbors, these guidelines could be fully met.

Therefore, due to concerns about the massing, bulk and scale of the side walls, the open stairwells, and 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 is 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 scones 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 façades. 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: The 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 applicant has stated that 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 Net-Zero energy goals 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 the heavy metal plate at the ground level were permanent and quality options. However, the zinc panels, while less reflective than the previously proposed metal panels, are being used in the same amount and layout as the previous metal cladding, so while they are less reflective, the overall extent of metal being used as a cladding material was found to be too imposing, especially on these approximately 70' tall, sheer sidewalls built right to the property lines.
- The approximately 70' tall sidewalls are proposed right on the property lines. The Commission has concerns with how these large, exposed sidewalls will be constructed without largely impacting the neighbors during construction. The Commission has additional concerns 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 remains questionable and unresolved at this time.

Therefore, due to concerns with the compatibility of the metal paneling and the construction and maintenance of the cladding at 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: The Purpose Statement for the Design Overlay Zone states in the Portland Zoning Code 33.420.010: "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 immediate context. 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.

Over the course of the four Design Commission hearing requested by the applicant, the Commission found that while some revisions were made to the 12th Avenue façade to reduce the scale along that streetscape, there was a lack of substantive changes to the massing, scale and bulk of the sidewalls, which comprise the majority of the proposal, as well as the configuration of the open stairwells. The Commission made several specific points related to these approval criteria:

- The reduced scale at the street-facing facades on 12th and Ankeny need further design changes to better respond to the architectural character and development patterns of the adjacent area.
- There is a substantial excess of sidewalls, leaving a building that is mostly blank walls at highly visible locations. A typical corner lot situation may have about half of the wall area as blank side walls. 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 equals 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 side property line walls, leaving a building that is mostly blank walls.
- The greatest challenge may be in the 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 these factors create additional challenges to larger-scaled development of the site.
- The modest size and the unusual shape of the lot combined with a building constructed to the internal property line walls will have an unacceptable impact on the surrounding context. Because this is a small, narrow site, there is little scope within its own boundaries to provide the needed buffers to adjacent, lower-scaled development, particularly to the house directly to the south and to the two to the north.
- While the adjacent parcels may be redeveloped at some point in the future, for now these lots are currently developed with smaller 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 in the Central City, these walls are likely to remain visible for the foreseeable future and there is a greater responsibility to be sensitive to the context in designing them.
- Other existing and new developments in the area are located on larger, more regular shaped sites with substantial street 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, the height, the sheerness, and the lack of articulation of the side walls do not complement the context or respect the existing immediate architectural character.
- The development team recognizes the context and the three historic houses to the south by locating solar panels on the south elevation. However, 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, the Commission has concerns about the impact on adjacent neighbors of lighting and noise from the mid-block open stairwells.

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

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.*

Therefore, this approval criterion has been 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. Design Review also ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

While there are aspects of the proposal that are admirable, such as the net zero goals, and meet some of the required design guidelines, 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 for the proposal to ultimately meet the approval criteria.

Therefore, due 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 met:

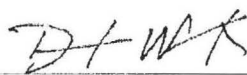
- A4. *Use Unifying Elements.*
- A5. *Enhance, Embellish, and Identify Areas.*
- C3-1 *Design to Enhance Existing Themes in the District.*
- C3-2. *Respect Adjacent Residential Neighborhoods.*
- C4. *Complement the Context of Existing Buildings.*
- C5. *Design for Coherency.*

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 19, 2017, the applicant chose not to make additional changes in order to meet the approval criteria, and requested a decision of denial with the intent of appealing to City Council.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to **deny** 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.

By: 
David Wark, Design Commission Chair

Application Filed: June 7, 2016
Decision Filed: February 3, 2107

Decision Rendered: February 2, 2017
Decision Mailed: February 17, 2017

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on March 3, 2017 at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified 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.**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., and First

Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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.

- *Unless appealed*, The final decision may be recorded on or after **March 6, 2017 – (the day following the last day to appeal)**.
- 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.

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

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

Grace Jeffreys
February 16, 2017

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).

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. **(Received before the 1st hearing on October 6, 2016)**
 - 1. Staff Report, 9/30/16
 - 2. Staff Memo, 9/30/16
 - 3. HRI for three adjacent structures on SE 12th

(Received at the 1st hearing on October 6, 2016)

4. Staff PPT, 10/6/16
5. Applicant PPT, 10/6/16
6. Public Testimony, 9/22/16
7. 12th Avenue Elevation (from M. Roberts)

(Received before the 2nd hearing on December 1, 2016)

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.

(Received at the 2nd hearing December 1, 2016)

15. Staff PPT, 12/1/16
16. Applicant PPT, 12/1/16
17. Public Testimony, 12/1/16
18. Letter from Michael J. Beglan, 12/1/16, stating concerns with proposal meeting design review requirements, noted in 33.420.

(Received before the 3rd hearing on January 5, 2017)

19. Staff notes from hearing, 12/6/16
20. Revised narrative and drawings, 12/22/16
21. Revised Staff Report, 12/30/16
22. Revised Staff Memo, 12/30/16
23. Letter from Mary Roberts, stating concerns with the proposal, 1/4/17.

(Received at the 3rd hearing on January 5, 2017)

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

(Received before the 4th hearing on January 19, 2017)

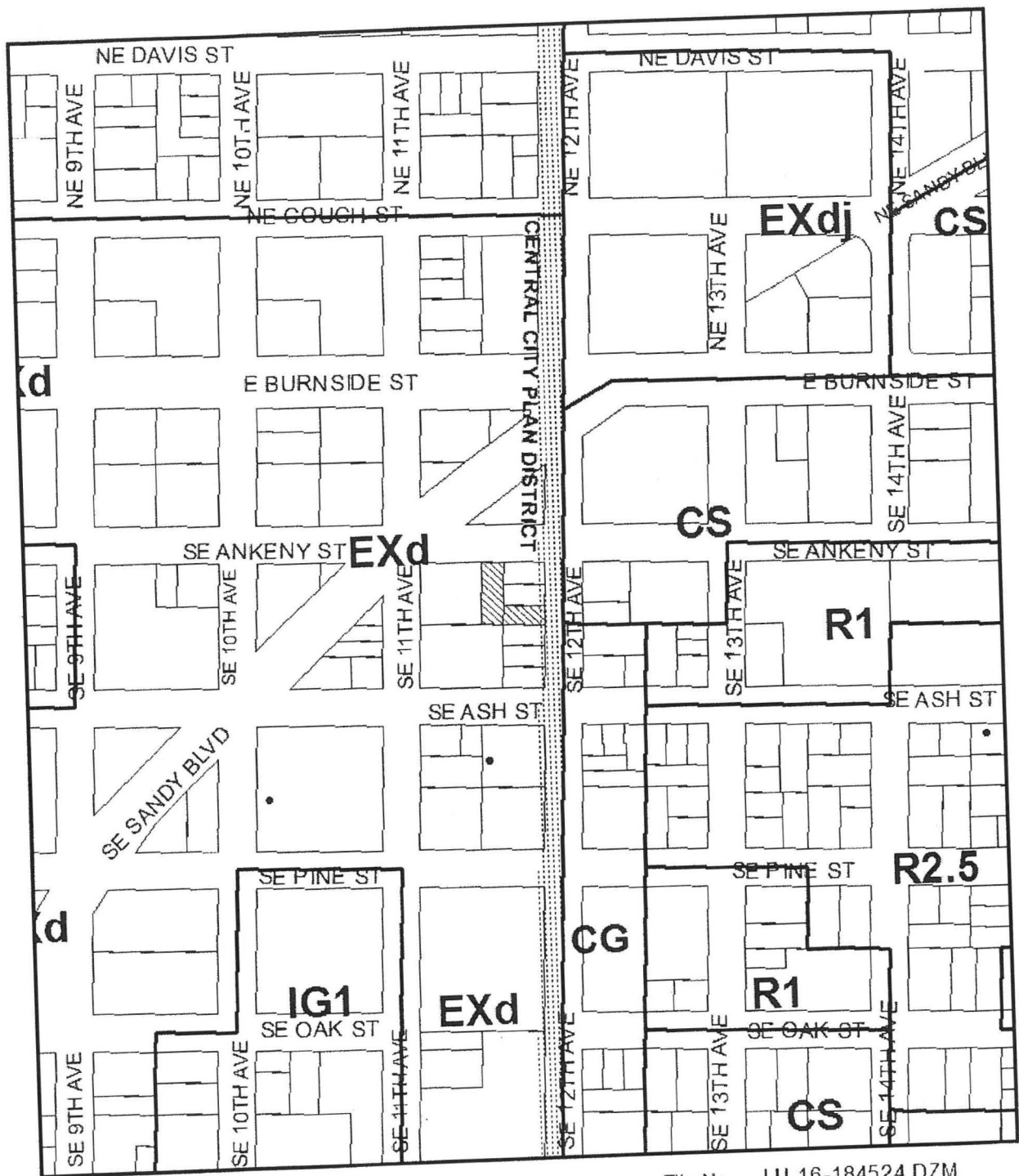
28. Revised Staff Report, 1/18/17
29. Revised Staff Memo, 1/18/17

(Received at the 4th hearing on January 19, 2017)

30. Letter from Christe White representing applicant, offering to continue to develop proposal, 1/19/17
31. Public Testimony, 1/19/17

(Received at the 5th hearing on February 2, 2017)

32. Applicant PPT, 1/2/17
33. Letter from Cary Novotny representing M. Belgin, noting M. Belgin will not consider grating easement for construction nor future maintenance along common property line 1/30/17.



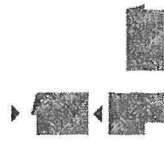
ZONING

- Site
- Historic Landmark

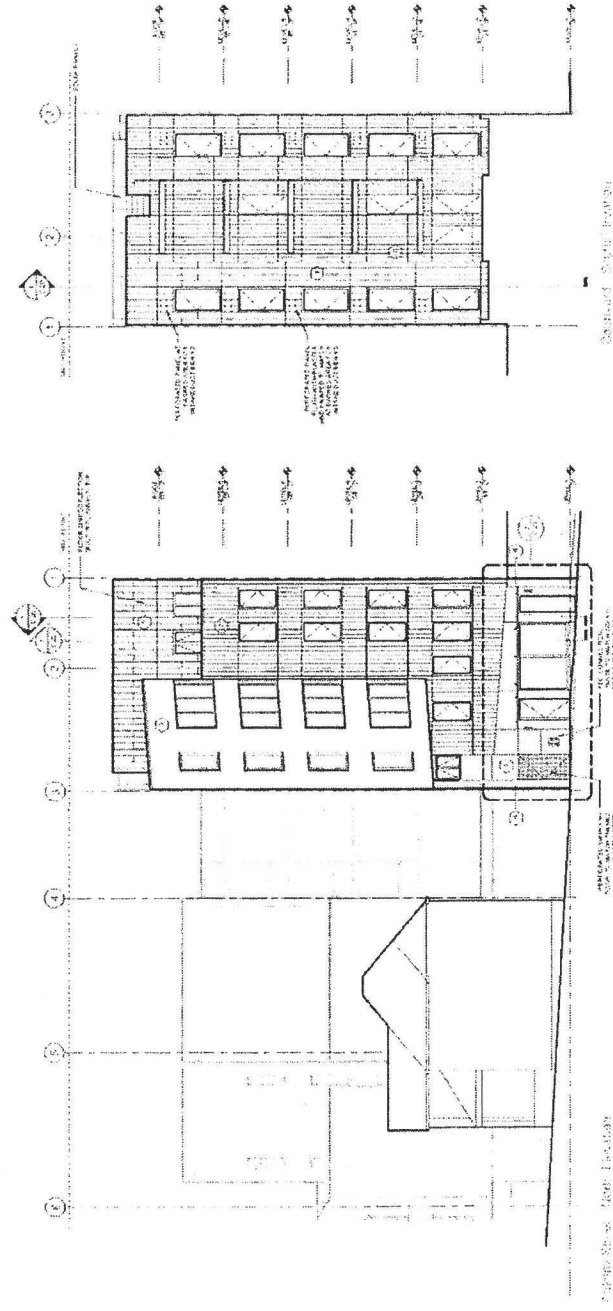


This site lies within the:
CENTRAL CITY PLAN DISTRICT
CENTRAL EASTSIDE SUBDISTRICT

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



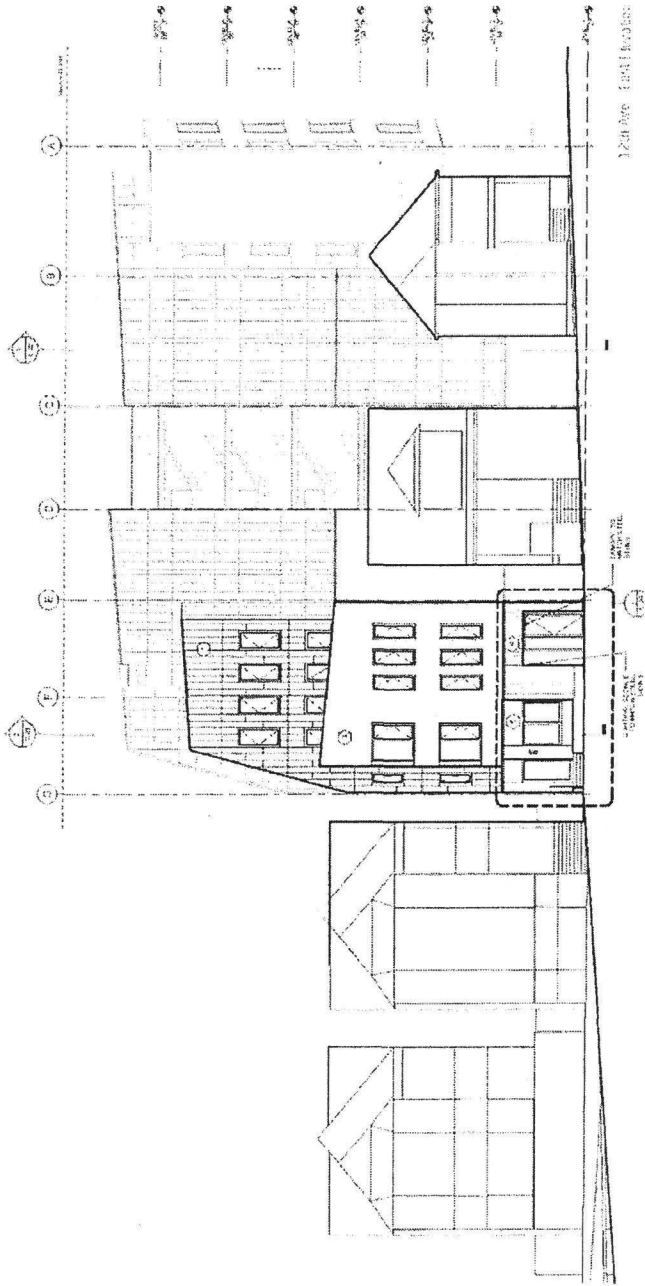
Building Elevations
1/8" = 1'-0"



MATERIAL LEGEND

- 1. EXTERIOR WALLS - CONCRETE
- 2. EXTERIOR WALLS - BRICK
- 3. EXTERIOR WALLS - STUCCO
- 4. EXTERIOR WALLS - GLASS
- 5. EXTERIOR WALLS - METAL
- 6. EXTERIOR WALLS - WOOD
- 7. EXTERIOR WALLS - OTHER

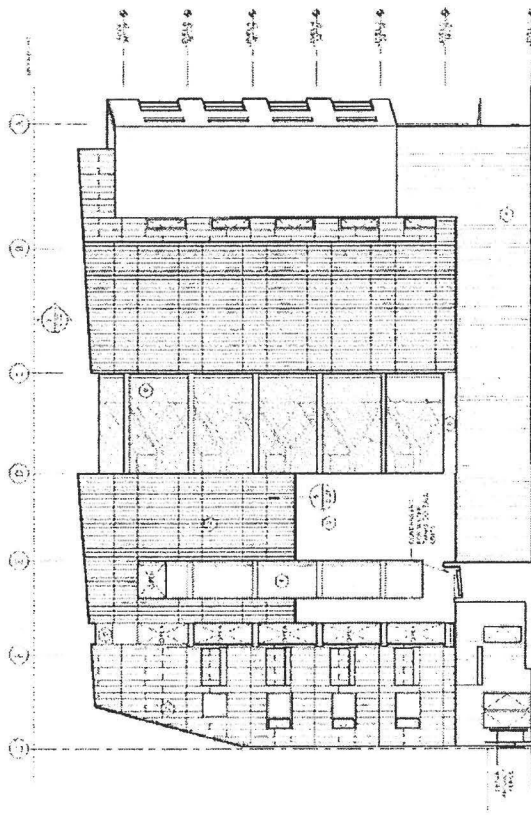
Building Elevations 1/16" = 1'-0"



MATERIAL LEGEND

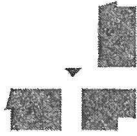


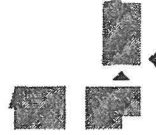
Building Elevations
Scale: 1/8"



MATERIAL LEGEND

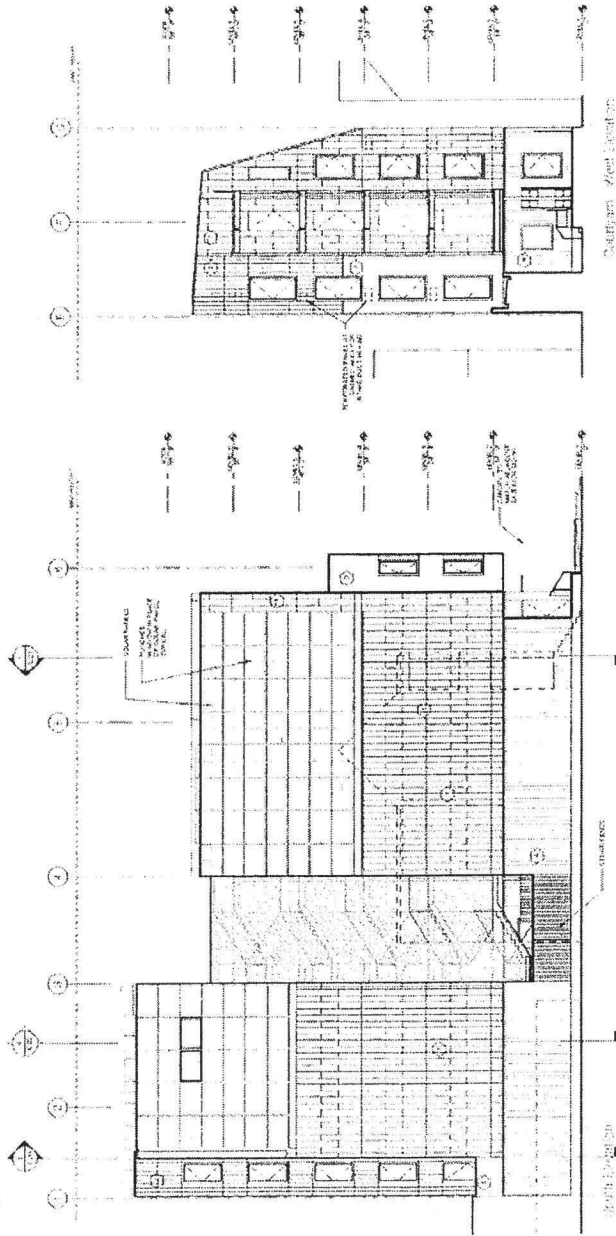
1	BRICK
2	CONCRETE
3	GLASS
4	WOOD
5	ROOF
6	LANDSCAPE
7	PAVING
8	WALL
9	CEILING
10	FLOOR





Building Elevations

1/8" = 1'-0"

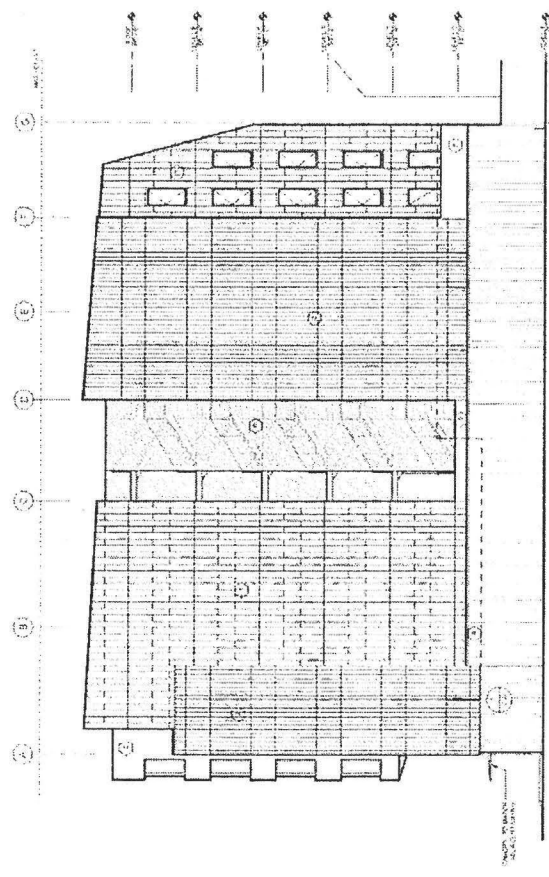


MATERIAL LEGEND

	BRICK		CONCRETE
	STUCCO		METAL SIDING
	SHINGLES		GLASS
	ASPHALT SHINGLES		WOOD SIDING
	SLATE		STONE
	TERRAZZO		MARBLE
	GRANITE		LIMESTONE
	SANDSTONE		TRAVERTINE
	GYPSUM BOARD		DRYWALL
	ACOUSTIC TILE		CERAMIC TILE
	VINYL FLOORING		CARPET
	HARDWOOD FLOORING		BAMBOO FLOORING
	CORK FLOORING		RUBBER FLOORING
	LINOLEUM FLOORING		PARQUET FLOORING
	PLYWOOD		OSB
	GYPSUM BOARD		DRYWALL
	ACOUSTIC TILE		CERAMIC TILE
	VINYL FLOORING		CARPET
	HARDWOOD FLOORING		BAMBOO FLOORING
	CORK FLOORING		RUBBER FLOORING
	LINOLEUM FLOORING		PARQUET FLOORING
	PLYWOOD		OSB

C.18

Building Elevations
1/16" = 1'-0"

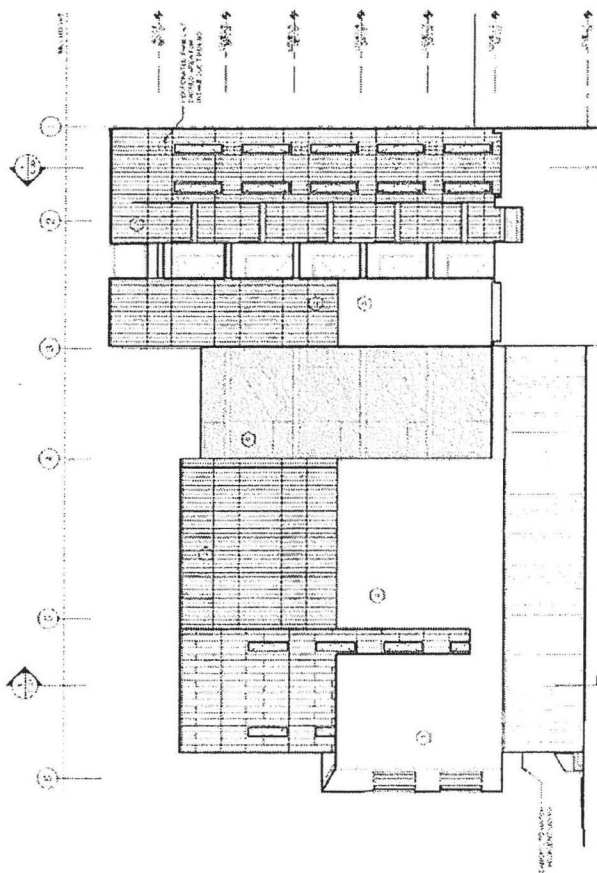


MATERIAL LEGEND

- 1. BRICK
- 2. CONCRETE
- 3. GLASS
- 4. METAL
- 5. STONE
- 6. TERRAZZO
- 7. WOOD
- 8. ZEBRANO
- 9. TRANSPARENT PAINT
- 10. WHITE PAINT
- 11. DARK PAINT
- 12. LIGHT PAINT
- 13. TRANSPARENT GLASS
- 14. OPAQUE GLASS
- 15. METAL GLASS
- 16. STONE GLASS
- 17. TERRAZZO GLASS
- 18. WOOD GLASS
- 19. ZEBRANO GLASS



Building Elevators

$$1.6 \times 10^{-9}$$


Abstract: *See page 103*

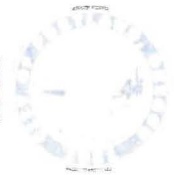
MATERIAL LEGEND

[illegible]

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More Contact Info (<http://www.portlandoregon.gov/bps/article/136170>)



Historic Resource Inventory Map

HISTORIC RESOURCE INVENTORY (HRI)

This map shows properties in the Portland area that were surveyed as part of the 1984 Historic Resource Inventory (HRI). Many of the mapped properties have been designated as historic landmarks and/or are included in historic districts. Those designations are not shown here. The HRI data is being tested in this format, and the original inventory records have been abbreviated. More complete data on each property is available on this website (<http://www.portlandoregon.gov/bps/39750?a=132551#hri>). Note there may be some inconsistencies between the digital files and the original inventory records. This data is therefore provided "as-is."



Legend



Unknown



1890 or earlier



- 1891 to 1915
- 1916 to 1940
- 1941 or later

Land Use Proposal LU-16-184524 DSM

Comments submitted by Mary E. Roberts and Michael J. Beglan.

September 27, 2016.

We live at 121 Southeast 12th AVE in a residential property directly to the south of the proposed development.

Proposal subject to mandatory guidelines and approval criteria below:

-Central City Fundamental Design Guidelines

-Special Design Guidelines for the Design Zone of the Central Eastside District.

The guidelines state – **Bold is a direct quote from the guideline**

- CEDG C3-2. Respect Adjacent Residential Neighborhoods.

While the EX zone allows residential uses, it is predominately an industrial zone. **New development should respect the architectural styles and the development patterns of adjacent residential neighborhoods.**

Consideration should be given to building height and bulk, building orientation, pedestrian accessibility, amount and location of parking, architectural detailing and overall architectural style.

The 10th-12th Avenue area should provide a graceful transition from the residential uses to the east and the CEID core to the west.

In addition goals and guidelines from the CCFDG apply to this proposal.

#9 Ensure that new development is at human scale and it relates to the scale and the desired character of its setting and the central city as a whole.

- CCFDG C4. Complement the Context of Existing Buildings.

Complement the context of existing buildings by using and adding to the local design vocabulary.

Our concerns:

We are specifically concerned regarding the non-compliance of this proposal with the above guidelines for projects in this zone. This project does not make an attempt to respect the architectural styles and development in the adjacent neighborhood. Our block of 12th AVE between Ankeny and Ash is home to 8 historic era buildings. All are built

in the 1920's or earlier in the Victorian era. This project does not complement or integrate with these designs in either style, building height and bulk, building orientation or pedestrian accessibility. The existing historic houses are 45 ' in height and the project is proposed over 75 feet in height. These houses are pitched roof, two story, street facing structures with wood framed windows, porches, pedestrian access walkways, and decorative features common for their era. The project has no similar features with regard to style, height, bulk, or pedestrian access. It is over 75' tall, is composed of 3 concrete towers with metal bracing, and is visually a monolithic structure. It does not have similar proportions, roof shape or exterior style to complement the surrounding and adjacent structures. No design vocabulary from the neighboring residential properties have been used in this proposal. This proposal does not respect the adjacent residential neighborhood or houses on the block it is sited.

In addition to being adjacent to residential neighborhood, the site of this proposal is de facto in its own residential block since it is surrounded by 3 historic era houses on residential lots to the south, and 2 historic houses on residential lots to the north. The site demands residential consideration for any proposed project.

Graceful transition from CEID in west to residential Buckman neighborhood to the east.

If one were to look at the residential block of the proposed development (bounded by Ankeny and Ash, 11th and 12th AVENUES) from the prospective of an observer looking east across 11th AVE we see two side by side commercial buildings -approximately 1 story of slightly different elevations. Behind them the upper levels of three Victorians are visible to the south and to the left (north) is a slightly smaller two story Victorian house at 113 SE 12th AVE. To the observer's eye, the skyline is set by the saw-tooth pattern of pitched roof- lines fronted by the straight horizontal lines of the commercial buildings. This provides the perfect graceful transition from commercial to residential. The proposed development would introduce a jarring rectangular big-box shape which might be compatible at a lower elevation, but which is currently proposed to tower 30 feet over its neighbors on a residential block.

Will provide a visual elements to complement above text at the hearing.

CEDG – B2 Protect the Pedestrian

The proposal has a vehicle exit door on 12th AVE. It appears that the garage door is to be at the lot line, and embodies greater than 50% of the façade at street level. Visually this creates a blank/ dead space which is not inviting to pedestrian traffic. Additionally, 12th AVE is a heavily travelled street with an almost continual back up of vehicles to the Sandy/Burnside light. It is frequently difficult and time consuming to enter the stream of traffic from on street parking. The combination of a lot line garage door and traffic will inevitably result in cars queuing across the sidewalk impeding and endangering pedestrians. This proposal does not protect the pedestrian.

In addition this proposal has a drive-through parking facility. Drive throughs are prohibited in EX zones per 33.140.255 – Item B.

Drive Through facilities are prohibited in the EX zone.

Cary Novotny, Attorney at Law

2109 SW Hartley Avenue

Gresham, Oregon 97080

Phone: 503-933-1065 Email: carynovotnylaw@gmail.com

January 30, 2017

Design Commission
Bureau of Development Services
City of Portland, Oregon
1900 SW Fourth Avenue, Suite 5000
Portland, Oregon 97201

Re: Michael Beglan's opposition to Case File LU 16-184524 DZM; PC # 16-106400
Ankeny Apartments

Dear Design Commission,

I am an attorney representing Michael Beglan in his opposition to the approval of a new 5 to 6 story, seventeen unit apartment building in the Central Eastside Subdistrict of the Central City Plan District (see Case File number above), which is located at 1122 SE Ankeny Street in Portland, Oregon 97214. Mr. Beglan is an adjacent landowner of property located at ? SE 12th Avenue, Portland, Oregon 97214.

Mr. Beglan has given testimony at three previous Design Commission meetings regarding the failure of this proposed development to meet Design Guidelines. In addition, Mr. Beglan opposes this proposed apartment building because of the absence of setbacks: the outer walls of the new apartment building will be constructed right up to the edge of his property line. This combined with the fact the proposed building will be 5 to 6 stories will result in a massive encroachment on the air and light space around the two story residential house on Mr. Beglan's property, almost completely blocking any view from the windows on the north side of his house and eliminating virtually all of the walkway between the north side of his house and the new apartment building. Mr. Beglan believes that such a large development right next to his house will greatly decrease the livability and value of his property and that any such proposed development should only be approved if the building was to be set back at least 5 feet from his property line and limited to 4 stories.

Mr. Beglan has thus far not granted nor will he consider granting at any future date any construction easement to the landowner, Landon K. Crowell, or to the architect, Brian Durban of YGH Architecture. Mr. Beglan has no legal obligation to grant any easement and will vigorously defend his property rights if there is any trespass to his property resulting from the construction of the proposed building. Considering that the proposed design entails building the outer walls of the new apartment building right up to Mr. Beglan's property line, it will be impossible for the applicant to construct the proposed development without Mr. Beglan's grant of a construction easement. For this reason alone, the proposed design should not be approved, and only a proposed new design which calls for setting back the outer walls of any new

apartment building at least 5 feet from Mr. Beglan's north property line should be considered for approval.

Thank you for your consideration of my client's objections to the proposed development and please weigh them carefully in your decision about whether to approve the proposed development.

Sincerely,

Cary C. Novotny, Attorney at Law
cc: Michael Beglan