

**IN THE CITY COUNCIL OF THE
CITY OF
PORTLAND OREGON**

**IN THE MATTER OF AN APPEAL BY THE APPLICANT AGAINST THE
DESIGN COMMISSION'S DECISION TO DENY DESIGN REVIEW
FOR A NEW APARTMENT BUILDING AT 1122 SE ANKENY ST.
(LAND USE CASE NO.: 16-184524 DZM)**

FINDINGS AND CONCLUSIONS

**ADOPTED BY THE CITY COUNCIL ON
AUGUST 31, 2017**

(Approval of an Appeal of a Type 3 Design Review Denial)

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(LAND USE CASE NO.: 16-184524 DZM)

FINDINGS AND CONCLUSIONS

The findings and conclusions of the City Council in this matter are set forth below.

I. GENERAL INFORMATION

Applicant: Brian Durban, YGH Architecture
707 SW Washington St., Suite 1200, Portland OR 97205
503-221-0150, briand@ygh.com

Owner: Landon K Crowell
1122 SE Ankeny St., Portland, OR 97214
503-281-1877, landonsown@gmail.com

Owner's Representative: Tim Ramis, Jordan Ramis PC
503-598-7070, www.jordanramis.com

Site Address: **1122 SE ANKENY ST**

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

Tax Account No.: R226515860, R226515880

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

Quarter Section: 3031

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

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

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

Plan District: Central City - Central Eastside

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

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

Procedure: **Type III.** The decision of the Design Commission was appealed to City Council.

II. INTRODUCTION AND PROCEDURAL HISTORY

Original Proposal: The applicant sought **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. 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.

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 considered by the Design Commission included: 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. The following additional reviews were requested:

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

- To reduce the required bike parking spacing from 2'-0" to 1'-6" for the 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** was 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.

This proposal received a decision of denial from the Design Commission. As discussed below under *Procedural History - Revisions made during the review and appeal process* below, the applicant revised certain design elements and materials during the City Council appeal hearing process, culminating in a revised proposal.

Revised Proposal: The applicant/ appellant now seeks **approval from the City Council** for a new 5- to 6-story, approximately 70' tall, sixteen (16) 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 eleven (11) 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 stained Cedar rain-screen, flat-lock zinc panels in two sizes, stainless steel cable mesh at external stairways, aluminum-clad windows, solar panels, and steel panels at the ground floor. The following 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 the 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 16'-2" on SE Ankeny.

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

Procedural History:

The Design Commission reached a decision on February 2, 2017 to deny the proposal based on the Commission's conclusion that the proposal did not satisfy Design Guidelines A-4, A-5, C2, C3-1, C3-2, C-4 and C-5. The applicant appealed the Design Commission's decision to the City Council.

The City Council held an initial appeal hearing on April 12, 2017, and heard testimony in support of and opposed to the appeal and design review application. The Council left the record open for 30 days to allow the applicant/appellant to meet with the neighborhood association and adjacent neighbors and continued the hearing to May 11, 2017. On May 11, 2017, the Council continued the hearing to June 8, 2017 without taking any testimony and reopened the record. On June 8, 2017, Council again continued the hearing to June 21, 2017. On June 21, 2017, the Council heard updates from staff and testimony from interested persons, including proposed design and material changes to address neighbor concerns, and continued the hearing to August 9, 2017. The applicant submitted further revisions to the City on July 21, 2017, and these revisions were uploaded to the City's web site and emailed to interested persons, including adjacent neighbors on July 27, 2017 (Exhibit I-46). On August 8, 2017, the Council tentatively voted to uphold the appeal. On August 31, 2017, the Council took a final vote to approve the revised design, thereby granting the appeal and overturning the decision of the Design Commission.

Revisions made during the review and appeal process: The proposed building was modified during the design review process, and additional changes were made during the City Council appeal process. Subsequent to the first City Council hearing and before the June 21, 2017 hearing, the applicant proposed to reduce the massing for the east wing of the proposed 5- to 6-story apartment building. The specific massing changes were a reduction in the parapet height of the east wing from 61 feet 11 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 reduced the unit count from 17 apartments to 16 apartments. 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.

Following the June 21, 2017 City Council hearing, the applicant further revised the proposal, especially to the east wing, including an increase in the north side setback and articulation of the north side massing. Also, along the west boundary of the Sturges property (the property north of the proposal's east wing), where the applicant originally proposed a zero lot line setback, a 3 foot setback was created, among other refinements. The total square footage of the proposed building was reduced to 24,516, and the number of apartments decreased to 16 due to reconfiguration of interior spaces. These changes are shown in the applicant's final architectural drawings dated July 21, 2017, Exhibit I-39. To address concerns regarding potential effects of construction on adjacent properties, the applicant submitted a construction management plan from Vik Construction, Exhibit I-40, and offered this as a condition of approval. Condition of Approval 4 was added, requiring a signed statement for building permit review confirming that the Construction Management Plan (Exhibit C-51) will be complied with.

The revised proposal requires an Exception to Window Projections into the Right-of-Way (OSSC/32/#1), to increase the maximum width of the oriel projections from 12' to 16'-2" on SE Ankeny. The previous Exception for the width of the oriel projection on SE 12th is no longer required, because the width of the projection is reduced to 11'.

III. 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.

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 113 SE 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.

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:

At the first City Council hearing, neighboring property owners on SE 12th Ave appeared in opposition to the appeal. Mary Roberts and Michael Beglan, owners of the adjacent property to the south (121 SE 12th Ave) testified that the scale of the east wing of the project was out of proportion to their older single family house; that it would create privacy impacts; that the design and exterior materials clashed with the residential character of the neighborhood; and that the lack of a setback both created a risk of structural damage to their house and would make it impossible to build and maintain the new building without an easement that they were not willing to provide. Priscilla Sturges, owner of the adjacent property to the north (113 SE 12th Ave), also expressed these concerns. In addition, because her property is inside the "L" shape structure, Ms. Sturges testified that the new building would block sunlight to her property.

After 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 meetings were held with neighbors to present preliminary architectural sketches, and counsel for the applicant and Ms. Roberts have communicated frequently as well.

Following these meetings, 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 feet above adjacent grade, and the width (the north-south cross section, as viewed from NE 12th Ave) was reduced from 29'-4" to 24'-6". The width reduction created a four foot (4') south side setback and an eighteen inch (18") north side setback. Although no setbacks are required by the EXd zoning, these setbacks would continue the existing pattern of approximately six foot (6') to eight foot (8') separation between adjacent buildings on this block. The previously proposed plaster and metal exterior cladding fostered an industrial feel, and some 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 were therefore changed to seal coated cedar. The lobby was 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 resulting design was supported by the neighbors to the south.

After the June 21, 2017 City Council hearing, the plans were further revised, especially to the east wing, including an increase in the north side setback, articulation of the north side massing, and adding windows to the north side, among other refinements. Across the west boundary of the Sturges property, the elevator shaft was moved to create space for a 3 foot setback, which will slightly reduce shadow impacts and allow access for maintenance. The total square footage was reduced to 24,516, and the number of apartments was changed to 16 due to reconfiguration of interior spaces. The new plans were presented to staff and to the neighbors. While the neighbors to the south (Ms. Roberts and Mr. Beglan) remain supportive, the neighbor to the north (Ms. Sturges) remains unsatisfied with the proposal.

In addition to design review issues, the neighbors expressed concerns regarding the construction of the building, and how that might harm their properties. Even though construction management is not a design review criterion, the applicant engaged its contractor to prepare a Construction Work Plan for the record. The key features of the plan are that a structural engineer will examine these abutting buildings and document their status before construction, and then check them during and after construction to confirm there has been no settling or other adverse impacts, at the applicant's cost. The second key feature is that the foundation will be the augur pile type, which does not require deep excavation or shoring, and does not require the hammering that occurs with pile driving. By avoiding pile driving, the vibration effect is eliminated and the risk to nearby structures is greatly reduced. A third key feature is that zero lot line construction methods, which will be used on the west boundary where the neighbor's building already sits on the property line, can be used on other areas of the building where access from abutting properties is not available. Other construction management details are found in the plan document.

IV. ZONING CODE APPROVAL CRITERIA AND FINDINGS

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055, Design Review Approval Criteria

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

Findings: The 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 Council has considered all guidelines and has addressed only those guidelines 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: Energy and sustainability are common Portland themes. 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 for A4, A5 and C3-1: 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. This transition is managed through several gestures that integrate materials commonly used in the surrounding neighborhoods: heavy steel plate at ground level (see Findings for A2 above); the cedar cladding; and preservation of the residential lot size, building spacing and street frontage width. Along SE 12th, the pattern of eight feet of separation between the structures is followed. These compositional and material elements help integrate and unify the proposal with SE 12th and the surrounding area.

The Design Commission concluded the bulk and scale of the side walls, the open stairwells, and the metal paneling were not compatible with the character of the site, and suggested that if the end walls included additional massing shifts, windows, and different materials to better respond to the residential context, and the stairwells were further enclosed, these guidelines could be met. The proposed design articulates the massing of the east wing in several respects, and the new setbacks allow for several new windows on the north and south elevations of the east wing. Cedar cladding was substituted at the request of the neighbors to add residential character.

Another unifying element is the Portland theme of sustainability and energy independence. This Net-Zero project brings energy independence to residential construction, in part by eliminating interior hallways and stairwells, which consume substantial amounts of energy. The stairwell lights are being shrouded to prevent inadvertent spillage onto the adjacent residential yards. The open stairwells also separate the structure into three sections, allowing light and air to pass between them, which reduce the bulk and scale of the side walls which has been a primary concern to the neighbors and the Design Commission.

The current stairwell design is driven by the new setback from the west boundary of the Sturges property, which moves the elevator shaft and thereby alters the other circulation spaces. The benefits of light and air, of increased setbacks to residential neighbors, of breaking up the massing of the three building sections, and of continuing to strive for Net-Zero energy performance combine to balance the potential of adverse noise and artificial light effects from the open stairwells.

The neighborhood character of the residential development along SE 12th consists of an eclectic mix of architectural styles and cladding materials, and a common spacing. The proposed building will be clad, primarily, in vertically-oriented cedar siding, and separated from the adjacent structures to the north and south by eight feet, consistent with the neighborhood character. Though in general, wood as a primary exterior cladding may not be appropriate in much of 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 Transportation System Plan (TSP) which integrates the features of the Central Eastside in the street standards which govern this project. This building reflects the contextual precedent 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.

Findings for A5-3: 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 communicated 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 A5-5: 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, on both frontages it is set back at the ground level to provide room for the entries, with oriel window projections on SE Ankeny and on SE 12th. 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 for A8: 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 SE 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.

Findings for B1: 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.

Findings for B2: 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 sconces 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 and no intersection corners; 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 spaces for socialization, rest and collecting one's self before entering away from the pedestrian through zone, which allow the sidewalks to remain clear of obstruction. Additional pedestrian protection is provided in the form of low level canopies, as well as higher level oriel windows on SE Ankeny and SE 12th which overhang the right-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 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 for B7: The exterior doors to the retail shop and lobby on SE Ankeny are accessible. Additionally, although the residential unit facing SE 12th is not fully accessible, the other residential units are accessible via the internal lobby and elevators 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 for C1: With a mere 34 feet of frontage on SE Ankeny and an even narrower 30 feet 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 SE Ankeny and SE 12th project into the right-of-way, capturing oblique views down the streets. In addition to the oriel windows, which constitute the 'big' architectural moves, a 4th floor balcony is provided over the building cantilever on SE 12th. The 6th floor balcony on SE Ankeny is placed to take advantage of views north towards the open space across the street, and west towards the river. 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 building and its apartments. *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 for C2: 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, 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, and comprises much of the building's exterior. The cedar siding will be sealed prior to installation, using PPG Machine Coat® Exterior Acrylic Latex Finish, which is guaranteed for 25 years, to increase the durability and weather-resistance of the wood. Also, with regard 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 for C3-2, C4, and C5: As noted above, the purpose statement for the design overlay states: "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), increasing 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 design that was not approved by the Design Commission, the current design has substantive changes to the massing, scale and bulk of the sidewalls, including the configuration and lighting of the open stairwells, all of which address the smaller scale residential structures on SE 12th. The building lighting will be shrouded to prevent spillage. The increased setbacks replicate the eight foot separation pattern on the west side of this block, and allow the placement of numerous windows on the north and south elevations of the east wing where blank walls were previously located. These changes complement the nearby residential buildings more effectively than the larger and more monolithic prior design.

The street-facing facades on SE 12th & SE 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 feet on SE 12th and 34 feet on SE Ankeny. Therefore, out of a total of 400 feet of site property lines, there is 64 feet of street frontage and 336 feet 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, however in order to better respect the architectural character and development pattern of the residential structures that do have setbacks, the design is revised to add 433 square feet of setback area on three frontages, and to use cedar cladding, a common material in established residential neighborhoods.

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.

Findings for C6: 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 SE Ankeny is glazed and placed alongside large picture windows with views into the commercial space. The lobby entry door on SE Ankeny is also recessed and glazed with sidelights. The entry into the residential unit on SE 12th is via a raised porch 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 for C8: 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.

Findings for C9: Due to the limited street frontage, the amount of adjacent sidewalk space is quite limited. At the street level on SE 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, 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 right-of-way 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 on SE Ankeny, 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.

Findings for C11: 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.

Findings for C12: 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 now requires 26 long-term bicycle parking spaces; 12 vertically hung spaces are provided within the ground floor bike area, 3 horizontal spaces are within the ground floor bike closet, and the remaining 11 spaces will be within the apartments.

Spacing: For the 12 vertically hung spaces, the proposal is to reduce the spacing width from 2'-0" to 1'-6".

Racks: For the 11 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 approval 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 projection from 12' to 16'-2" on SE Ankeny.

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 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 on SE Ankeny. The proposed 16'-2" projection over SE Ankeny has not been reviewed by PBOT; however, given that this is a minor increase from the previously approved width of 15'-9.5" and the angled projection, the overall impact of the additional 4.5" width is minimized (Exhibit C.47). The prior Exception requested for the oriel projection width on SE 12th is no longer required, because the increase in the south side setback reduces the width of that projection to 11'-6".

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". 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.

Findings: The projecting wall area is 33%, which is below the maximum 40% allowed. *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 of 50% does not exceed the maximum allowed 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 projection is 4'-0", therefore the projection must meet both the minimum 30% front-wall glazing as well as the minimum 10% side-wall glazing. The proposed projection has 35% front-wall glazing and 48% 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. The proposed SE Ankeny projection is 16'-2" which exceeds the 12' maximum width allowed.

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 ground floor, which may help reduce the apparent overall massing of the proposal. The proposed oriel projection functions to 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.*

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.

V. 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 16 new housing units where only one exists today.

The proposed five and six-story, mixed-use retail and 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, and the cedar cladding facilitates the transition between the 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 scale of the proposal, especially along SE 12th.

Following the first and second City Council hearings, additional setbacks further reduced 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 eighteen inch and three foot north side setbacks with windows, 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. Therefore, wood is now proposed for much of the exterior below 60'.

The applicant incorporated 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, and meets 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.

VI. DECISION

It is the decision of the City Council to approve the appeal based on the revised drawings, and thereby approve the **Design Review** for a new 5- to 6-story, approximately 70' tall, sixteen (16) 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 eleven (11) 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 stained

Cedar rain-screen, flat-lock zinc panels in two sizes, stainless steel cable mesh at external stairways, aluminum-clad windows, solar panels, and steel panels at the ground floor.

Approval of the following **Modification** request:

- Long-term Bike Parking Standards (33.266.220):
 - To reduce the required bike parking spacing from 2'-0" to 1'-6" for the 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.

Approval of the following **Exception** request:

- Window Projections into the Right-of-Way (OSSC/32/#1): To increase the maximum width of the oriel projections from 12' to 16'-2" on SE Ankeny.

Approvals per Exhibits C.1-C.51, signed, stamped, and dated August 29, 2017, subject to the following **Conditions of Approval**:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-184524 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. Provide a signed statement for building permit review confirming that the Construction Management Plan (Exhibit C.51) will be complied with.

The applicant/appellant prevailed.

VII. APPEAL INFORMATION

Appeals to the Land Use Board of Appeals (LUBA)

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of the decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period or this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

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/ Ground Level Plan (attached)

2. Second Floor Plan
 3. Third Floor Plan
 4. Fourth Floor Plan
 5. Fifth Floor Plan
 6. Sixth Floor Plan
 7. Roof Plan
 8. North street and North courtyard Elevations (attached)
 9. East street Elevation (attached)
 10. East courtyard Elevation
 11. South property line and West courtyard Elevations (attached)
 12. West property line Elevation (attached)
 13. North courtyard Elevation
 14. Building Section, east-west
 15. Building Section, north-south
 16. Wall Sections
 17. Window calculations
 18. Details
 19. Details
 20. Details
 21. Materials – Cedar rain screen
 22. Materials – Flat lock metal
 23. Materials – Flat lock metal
 24. Materials – Tnemec coated steel
 25. Materials – Exterior stair
 26. Materials - Windows
 27. Landscape
 28. Lighting
 29. Stair lighting diagram
 30. Site plan and utilities
 31. Specifications - Flat lock metal - zinc
 32. Specifications – Tnemec coated steel
 33. Specifications - Windows
 34. Specifications – Exterior stair
 35. Specifications – Solar panels, Sconce fitting
 36. Specifications – Cedar rain screen finish
 37. Specifications – LED lighting for stairs
 38. Specifications – Vertical bike rack
 39. Specifications – Horizontal bike rack
 40. Specifications – Unit bike rack
 41. Specifications – mechanical mini-splits
 42. Perspectives – NE facades
 43. Perspectives – SW facades
 44. Perspectives – SE 12th
 45. Perspectives – SE 12th
 46. Perspectives – SE Ankeny
 47. Diagrams - Oriel Window diagrams, Ankeny
 48. Diagrams - Oriel Window diagrams, 12th
 49. Diagrams – Bike parking
 50. Diagrams – Increased Setbacks
 51. Construction Management Plan
- 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 granting easement for construction nor future maintenance along common property line 1/30/17.

34. Public Testimony, 2/2/17

I. Appeal

1. Appeal Submittal

2. Final Findings and Decision by the Design Commission, February 2, 2017, mailing list

3. Final Findings and Decision by the Design Commission, February 2, 2017, mailed notice

4. Notice of Appeal, March 8, 2017, mailing list

5. Notice of Appeal, March 8, 2017, mailed notice

6. Revised Notice of Appeal, March 13, 2017, mailing list

7. Revised Notice of Appeal, March 13, 2017, mailed notice

8. Second Revised Notice of Appeal, March 22, 2017, mailing list

9. Second Revised Notice of Appeal, March 22, 2017, mailed notice

10. Memo to City Council, dated April 12, 2017 (sent March 30, 2017)

11. Jordan Ramis letter, April 11, 2017

12. Garrett Stephenson letter, April 7, 2017

(Received at the 1st City Council Hearing on April 12, 2017)

13. Staff PPT presentation, April 12, 2017

14. Appellant/ Applicant presentation, April 12, 2017

15. Landon Crowell Letter to City Council, April 12, 2017

16. Jeff Burns Letter to City Council, April 12, 2017

17. Audrey McNamara Letter to City Council, April 12, 2017

18. Michael J. Beglan Letter to City Council, April 12, 2017

(Received before the 2nd City Council Hearing on May 11, 2017)

19. Staff and City Council notes from 1st hearing

20. Elizabeth O'Brien letter, April 19, 2017

21. Neighborhood Association Meeting held on April 20, 2017, (minutes by BDS May 18, 2017)

22. Tim Ramis letter to City Council, May 9, 2017

23. Tim Ramis email confirming support of continuance, May 9, 2017

24. Resolutions NW proposal to provide Mediation, May 10, 2017

25. Garrett Stephenson letter to City Council, May 10, 2017

26. Garrett Stephenson confirming support of continuance, May 11, 2017

(Received before the 3rd City Council Hearing on June 21, 2017)

27. Staff notes from 2nd hearing

28. Meeting with Adjacent neighbors, Agenda and attendance, May 18, 2017

29. Meeting with Adjacent neighbors, Minutes, May 18, 2017

30. Tim Ramis Memo, revised findings and cross section, June 9, 2017

31. Existing Survey, received June 13, 2017

32. Email confirming date change for 3rd return hearing, June 13, 2017

(Received at the 3rd City Council Hearing on June 21, 2017)

33. Staff PPT presentation, April 12, 2017

34. Appellant/ Applicant presentation, April 12, 2017

(Received before the 4th City Council Hearing on August 9, 2017)

35. Staff notes from the 3rd hearing

36. Email to staff with revised drawings as shown to Council at 4th hearing, June 22, 2017

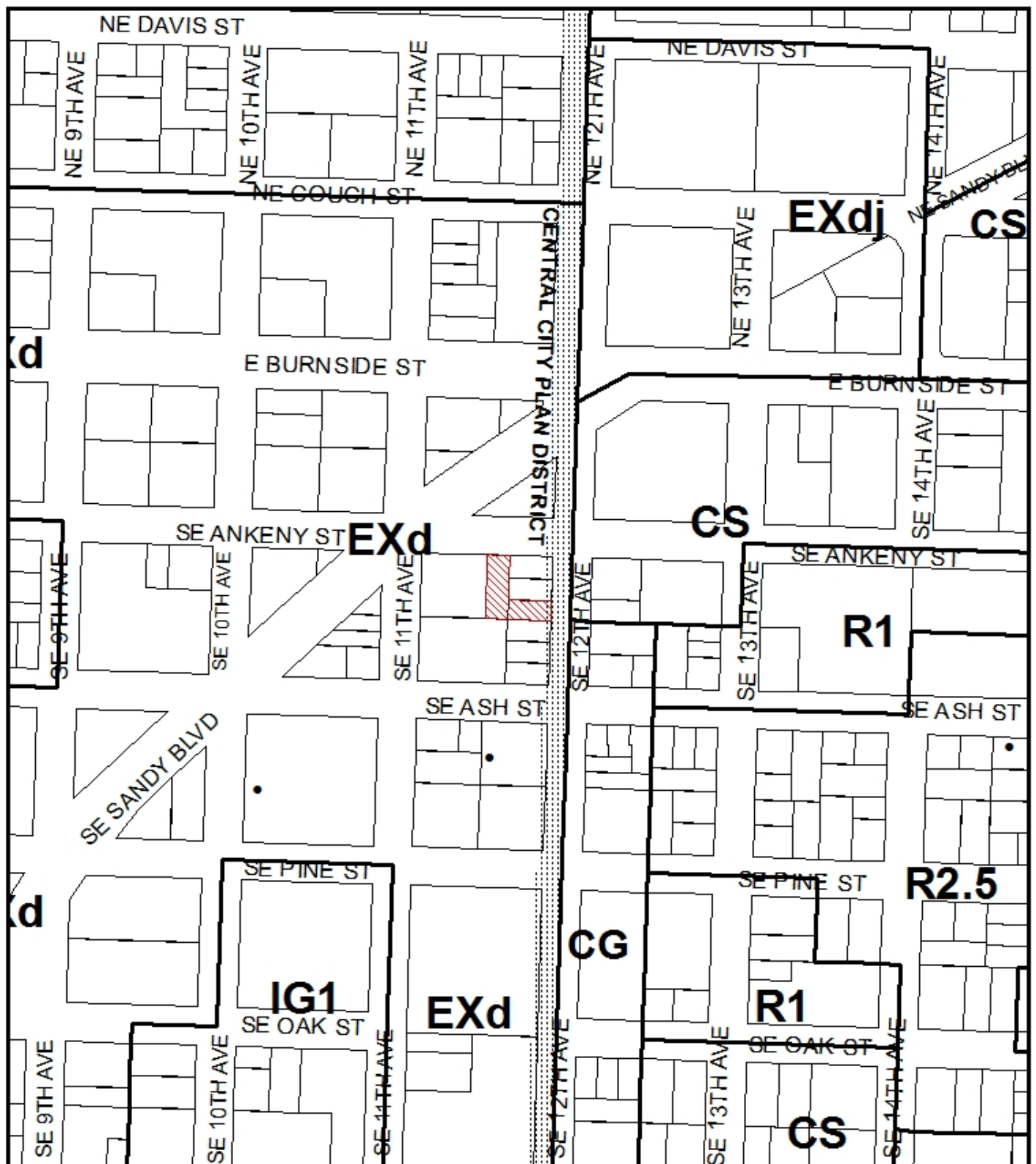
37. Staff email to appellant with deadlines for next hearing, June 27, 2017

38. Jordan Ramis email with attachments, July 19, 2017


39. Jordan Ramis letter with updates, July 19, 2017

40. Jordan Ramis Memo to City Council with Findings, July 19, 2017

41. Construction Work Plan, July 10, 2017
42. Site plan with setbacks
43. Jordan Ramis letter to Priscilla Sturges, July 19, 2017
44. Letter from YGH, July 19, 2017
45. Architectural Plans dated July 21, 2017
46. Letter from Jordan Ramis waiving 120-day provision until September 29, 2017, July 26, 2017
47. Staff email announcing revised proposal, July 27, 2017
48. Staff Memo to City Council, July 27, 2017
49. Minutes from Preliminary Fire & Life Safety meeting, August 3, 2017
- (Received at the 4th City Council Hearing on August 9, 2017)**
50. Staff Memo to City Council, August 9, 2017
51. Staff presentation PPT, August 9, 2017
52. Appellant/ Applicant's presentation, August 9, 2018



ZONING

 Site

• Historic Landmark

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



NORTH

File No. LU 16-184524 DZM

1/4 Section 3031

Scale 1 inch = 200 feet

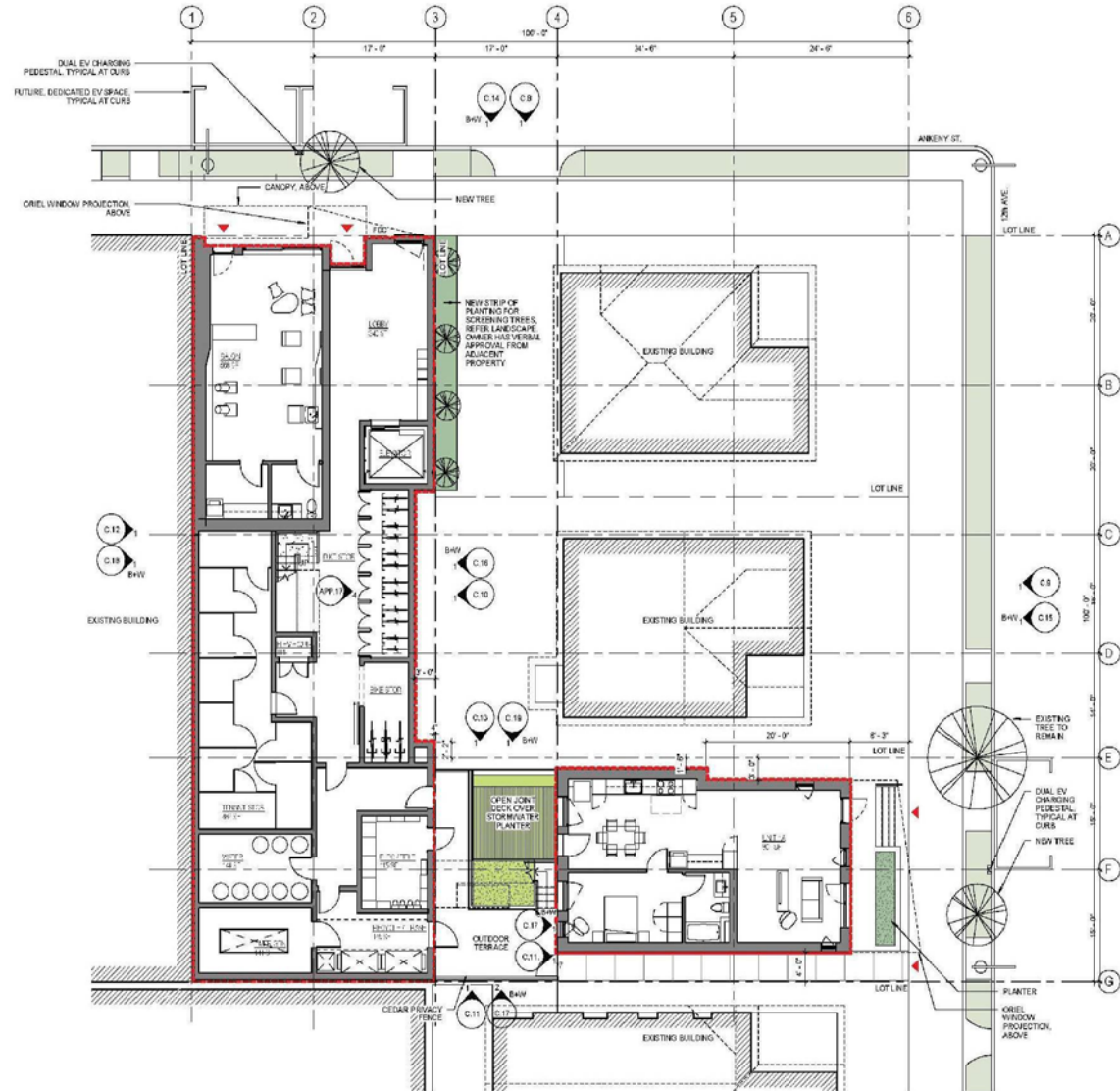
State_Id 1N1E35CD 3600

Exhibit B (Aug 08, 2016)

Plan / Site Plan - Level 1 1/16" = 1'-0"

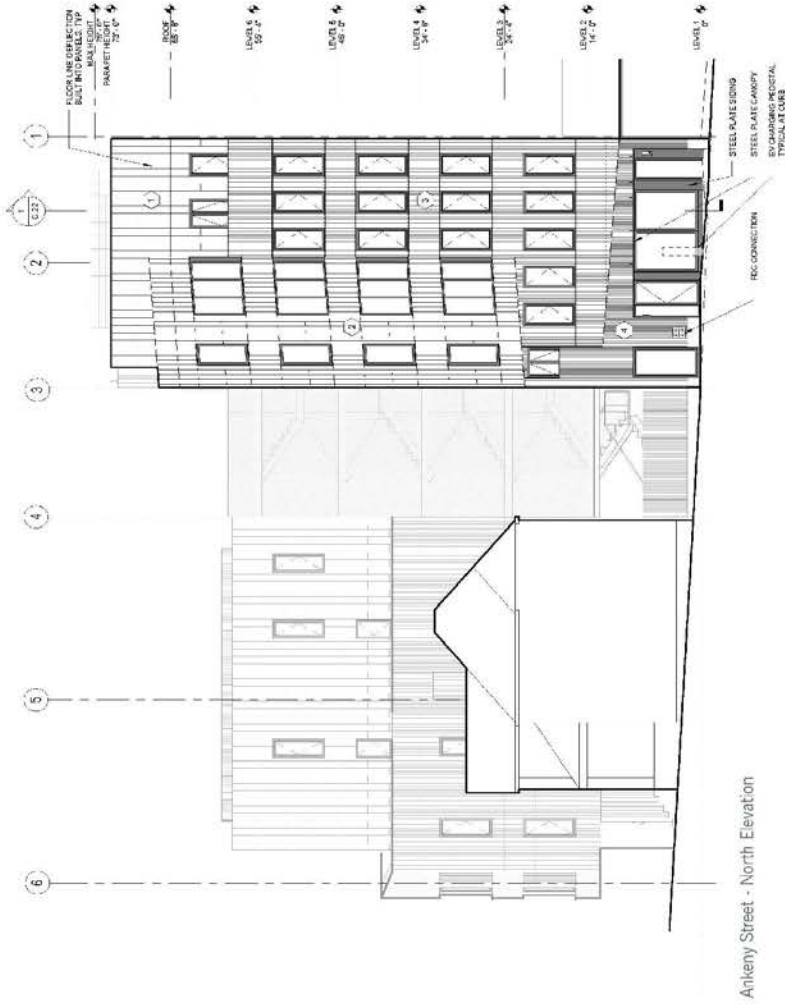
Lot Size: 5,380 SF

Level 1	
Building Area	4156 GSF
FAR	0.77
Level 2	
Building Area	4,548 GSF
FAR	0.85
Level 3	
Building Area	4,098 GSF
FAR	0.76
Level 4	
Building Area	4,081 GSF
FAR	0.76
Level 5	
Building Area	3,912 GSF
FAR	0.73
Level 6	
Building Area	2,823 GSF
FAR	0.53
Total	
Building Area	23,618 GSF
Max Building Area	32,280 GSF
FAR	4.4
FAR Allowed	6.00



Building Elevations

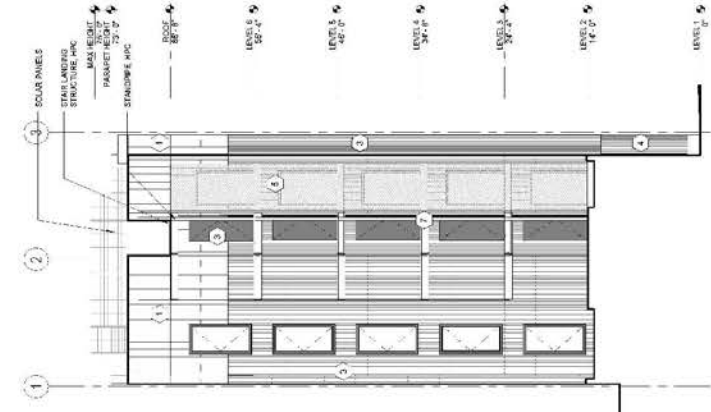
1/16" = 1'-0"



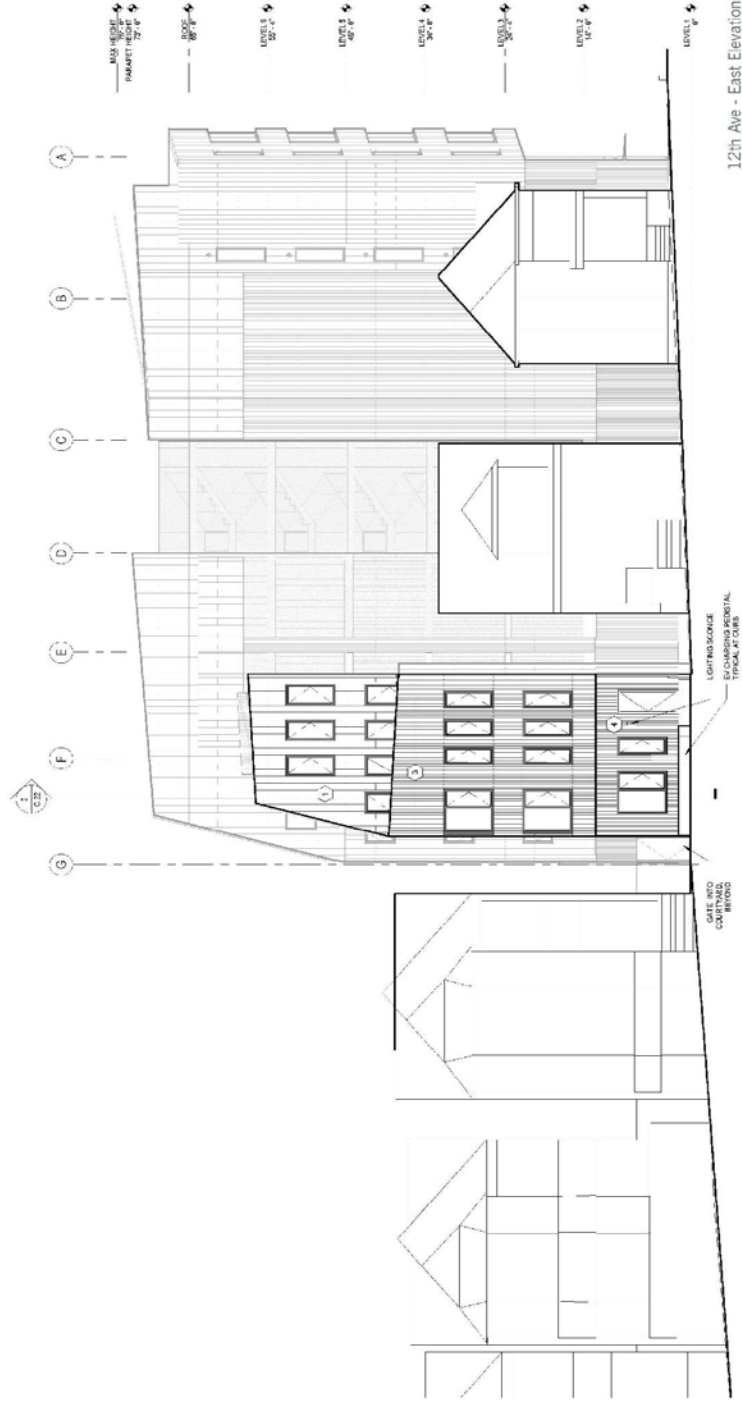
MATERIAL LEGEND

- 1 1/2" WIDE PLATE METAL PANEL, ZINC ANODIZED AND BOND FINISH
- 2 1/2" WIDE PLATE METAL PANEL, ZINC ANODIZED AND BOND FINISH
- 3 STAINLESS STEEL CABLE MESH
- 4 STAINLESS STEEL WITH RHC
- 5 STAINLESS STEEL WITH RHC
- 6 REINFORCED SWING DOOR

Courtyard - South Elevation



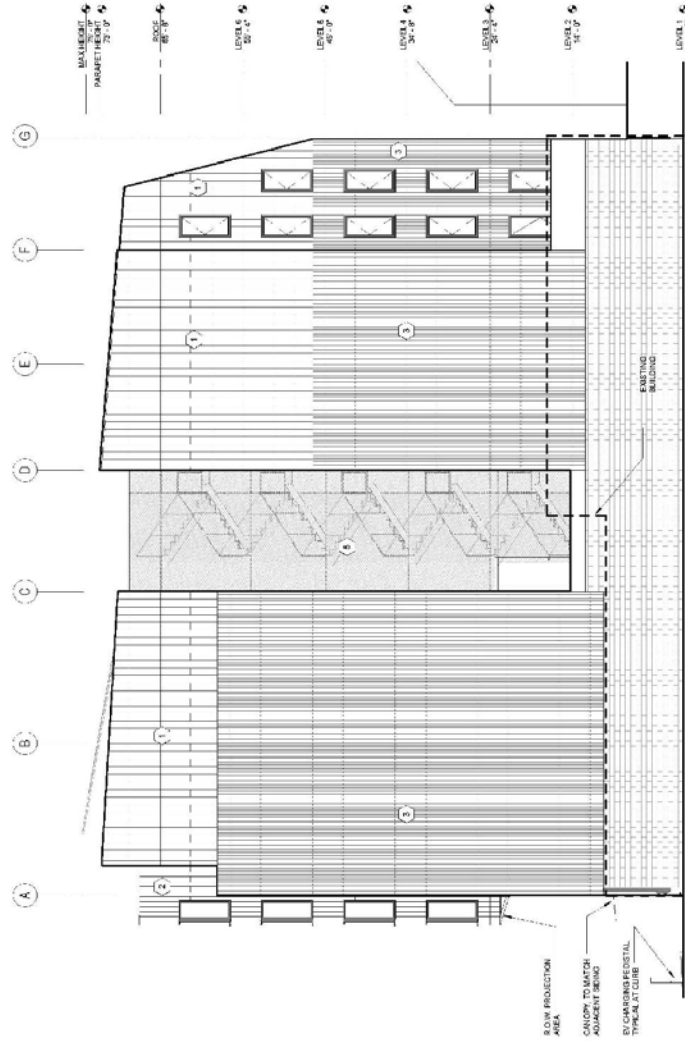
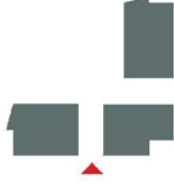
Building Elevations
1/16" = 1'-0"



MATERIAL LEGEND

- | | | | | | | |
|--|--|--|--|----------------------|--------------------------|---------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| W1. 17" WIDE PLATE, 6" METAL PANEL, 2" C/W AND 2" C/D, 1" EXTERIOR SKOT (100%) | W2. 17" WIDE PLATE, 6" METAL PANEL, 2" C/W AND 2" C/D, 1" EXTERIOR SKOT (100%) | STAINLESS STEEL VERTICAL, 304L PATTERN A | STAINLESS STEEL VERTICAL, 304L PATTERN B | PERFORATED IRON DOOR | STAINLESS STEEL C/W MESH | STAINLESS STEEL WITH 1/8" |

Building Elevations

 $1/16" = 1'-0"$ 

West Elevation

MATERIAL LEGEND

[illegible]