

IMPACT STATEMENT

Proposal: The request is not for a legislative action, but instead is an appeal of Type III Land Use Review decision (quasi-judicial action).

Contact name: Grace Jeffreys, City Planner II, Land Use Services

Contact phone: 503-823-7840

Presenter name: Grace Jeffreys

Purpose of proposal and background information:

This is a quasi-judicial action. The applicant is requesting appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides that Type III Land Use Review decisions may be appealed to City Council.

Financial and budgetary impacts:

This is not a legislative action, but rather an appeal of a Type III quasi-judicial land use review. The decision will not solely or substantially impact City revenues.

Generally, Land Use Reviews are fee supported. Fees are charged to file an appeal. In this case, an appeal fee of \$5,000.00 was paid by the appellant. There are no additional costs to the City associated with this appeal.

Community impacts and community involvement:

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Buckman Neighborhood Association, the Central Eastside Industrial Council (business district), and the Southeast Uplift (district coalition) all received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus, Tri-Met, and the AIA Urban Design Committee are also mailed notice. Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Design Commission.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Comments from the public were received by city staff or the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision. Once the City Council has made its decision on this land use appeal, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.030.H.9. However, the City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

MOTIONS

- 895 TIME CERTAIN: 2:00 PM – Appeal of Landon Crowell against Design Commission's decision of denial for design review of a new 5 to 6 story, approximately 70' tall, 17 unit apartment building in the Central Eastside Subdistrict of the Central City Plan District, at 1122 SE Ankeny St (Previous Agenda 728; Hearing introduced by Commissioner Eudaly; LU 16-184524 DZM)

Motion 8-9-17

Motion to tentatively grant approval of the appeal against Design Commission's decision based upon the revised design and a condition requiring a construction management plan: Moved by Fritz and seconded by Fish.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Eudaly, Fritz, Fish, Wheeler.

Saltzman absent.

Disposition

**TENTATIVELY GRANT APPEAL BASED ON REVISED DESIGN WITH CONDITION;
PREPARE FINDINGS FOR AUGUST 31, 2017 A5 3:00 PM TIME CERTAIN**

Motion 8-31-17

Motion to uphold the appeal and overturn Design Commission's decision and adopt findings: Moved by Fritz and seconded by Eudaly.

COMMISSIONERS VOTED AS FOLLOWS:

YEAS: Eudaly, Fritz, Wheeler.

Saltzman and Fish absent.

Disposition

FINDINGS ADOPTED

- 363** **TIME CERTAIN: 2:00 PM** – Appeal of Landon Crowell against Design Commission's decision of denial for design review of a new 5 to 6 story, approximately 70' tall, 17 unit apartment building in the Central Eastside Subdistrict of the Central City Plan District, at 1122 SE Ankeny St (Hearing introduced by Commissioner Eudaly; LU 16-184524 DZM) 1.5 hours requested

APRIL 12, 2013

**Motion to continue the hearing to May 11, 2017 at 2:00pm
Time Certain and to keep the record open for 30 days.**

- **Submissions from representatives of each side are to be no more than 4 pages.**
- **The appellant is to conduct two meetings, one with the Neighborhood Association and one with immediate homes on that block.**
- **On May 11, 2017 representatives of each side will have maximum of 15 minutes for presentations:** Moved by Fish and seconded by Fritz.

Commissioners voted as follows:

Yeas: Fritz, Fish, Eudaly, Wheeler.

Absent: Saltzman

**CONTINUED TO
MAY 11, 2017
AT 2:00 PM
TIME CERTAIN**



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Paul L. Scarlett, Director
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MEMORANDUM

April 12, 2017

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

From: Paul L. Scarlett, Director
Bureau of Development Services

*Suburban Sweet Morris
for Paul L. Scarlett*

Subject: City Council hearing on LU 16-184524 DZM, 1122 SE Ankeny

The purpose of this memorandum is to provide a summary and brief description of the land use review decision that has been appealed and will be presented to you in public hearing on April 12, 2017 at 2 PM, time certain.

Site Address: 1122 SE Ankeny

BDS Representative: Grace Jeffreys, City Planner II
503-823-7840, Grace.Jeffreys@portlandoregon.gov

1. Land Use Reviews Requested: Type III Design Review (DZ) with Modification (M) requests.

2. Key Elements of Proposal:

Applicant: Brian Durban, YGH Architecture

Owner: Landon K Crowell

Site Location: 1122 SE ANKENY ST

Site Size: 5,380 SF

Proposal: The applicant requested Design Review (DZ) 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 site, the ground floor contains retail and service spaces fronting SE Ankeny, and a residential unit fronting SE 12th. No vehicle parking is proposed. 28 long-term bike parking spaces will be provided.

Additional reviews requested:

Modification 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.

Exception 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.

3. Final Decision: The Design Commission found that the approval criteria were not met; therefore, they denied the requests. Due to the proposed massing, scale and bulk of the sidewalks; the open stairwells; and the extent of metal cladding; they found that the following guidelines were not met:

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

4. Alternatives Facing Council:

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