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**CITY OF PORTLAND**  
**Office of the City Auditor**  
**1221 SW Fourth Avenue, Room 130**  
**Portland, OR 97204-1900**

I hereby certify this Land Use Document No. LU 16-184524 DZM – Order of Council to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody on September 19, 2017.

**MARY HULL CABALLERO**  
**Auditor of the City Of Portland**  
By Meghaan Davis  
**Deputy**

**RETURN TO CITY AUDITOR**  
**131/130/Auditor's Office**

5

**APPEAL OF LANDON CROWELL AGAINST THE  
DESIGN COMMISSION'S DECISION OF DENIAL FOR DESIGN REVIEW  
OF A NEW 5-6 STORY APPROXIMATELY 70' TALL 17-UNIT APARTMENT BUILDING  
IN THE CENTRAL EASTSIDE SUBDISTRICT OF THE CENTRAL CITY PLAN DISTRICT  
AT 1122 SE ANKENY ST.  
(LAND USE CASE NO.: 16-184524 DZM)**

**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

**Owner's Representative:** Tim Ramis, Jordan Ramis PC  
2 Centerpointe Dr. #600  
Lake Oswego, OR 97035

**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

**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.

**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.

The City Council appeal hearing was opened in the Council Chambers, 1221 SW 4<sup>th</sup> Avenue on April 12, 2017 at approximately 2:00 p.m. After hearing public testimony and considering the evidence in the record, Council voted 4-0 to continue the hearing to May 11, 2017 at 2:00 p.m. and kept the record open for 30 days; asked for submissions from representatives of each side to be no more than 4 pages, requested the appellant conduct two meetings, one with the Neighborhood Association and one with immediate homes on that block. On May 11, 2017 at approximately 2:00 p.m. Council continued the hearing to June 8, 2017 at 3:30 p.m. On June 8, 2017 at approximately 1:30 p.m., Council rescheduled the hearing to June 8, 2017 at 2:00 p.m. On June 8, 2017 at approximately 2:00 p.m., Council rescheduled the hearing to June 21, 2017 at 2:00 p.m. On June 21, 2017 at approximately 2:00 p.m., Council reopened the record and

after hearing testimony continued the hearing to August 9, 2017 at 2:00 p.m. On August 9, 2017 at approximately 2:00 p.m., Council tentatively voted 4-0 to grant approval of the appeal against Design Commission's decision based upon the revised design and a condition requiring a construction management plan and ordered final findings to be prepared for Council consideration and adoption on August 31, 2017 at 3:00 p.m. On August 31, 2017 at approximately 3:00 p.m. Council voted 3-0 to uphold the appeal and overturn Design Commission's decision and adopt findings.

## DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 16-184524 DZM** and by this reference made a part of this Order, **it is the decision of 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.

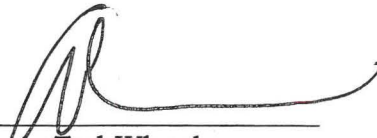
C. No field changes allowed.

D. Provide a signed statement for building permit review confirming that the Construction Management Plan (Exhibit C.51) will be complied with.

**IT IS SO ORDERED:**

SEP 07 2017

Date

  
\_\_\_\_\_  
Mayor Ted Wheeler  
Presiding Officer at Hearing of  
August 31, 2017  
3:00 p.m. Session