

May 4, 2022

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**VIA E-MAIL**

City of Portland Design Commission  
Bureau of Development Services  
1900 SW Fourth Avenue  
Portland, OR 97201

**RE:** 1122 SE Ankeny Street  
LU 22-107111 DZM AD

Dear Commissioners:

This office represents Mary Roberts, who lives at 121 SE 12<sup>th</sup> Avenue, directly abutting the proposed “YPB Ankeny” development (1122 SE Ankeny Street) (the “Project”). Ms. Roberts conditionally supports the Project provided the Applicant provides a four-foot setback along its east property line that abuts Ms. Roberts’s property and a maximum height of 58 feet, as agreed to by the Applicant’s predecessor-in-interest.

**1. BACKGROUND**

On August 31, 2017, the Design Commission (the “Commission”) granted the Applicant’s predecessor-in-interest approval of a design review application for a previous version on the Project. *See* LU 16-184524 DZM. During the previous proceedings, Ms. Roberts entered into a settlement agreement with the Applicant’s predecessor-in-interest to ensure that a four-foot setback was included along the east property line for the Project, as well as a maximum height of 58 feet and other agreed design aspects. This four-foot setback was necessary in order to mitigate some of the adverse impacts of the Project and to ensure compliance with the City’s Design Guidelines (the “Guidelines”). While the Applicant is not requesting that the Commission enforce a private agreement, without the four-foot setback, the Project does not comply with the applicable Guidelines, as is discussed in detail below.

**2. DISCUSSION**

**(a) As currently proposed, the Project does not meet applicable design guidelines.**

The Central City Fundamental Design Guidelines and the Special Design Guidelines for the Design Zone of the Central Eastside District constitute the applicable criteria for the Application. Portland City Code (“PCC”) 33.825.055. They are not advisory and failure to meet them requires denial, as explained by the following statement from the Central City Guidelines:

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

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

As designed, and specifically without the requested setback between the Project and 121 SE 12<sup>th</sup> Avenue, the Application does not yet meet the Guidelines. Specifically, without the four-foot setback along the eastern property line, the following Guidelines are not met: A4, C2, and C4 of the Central City/Central Eastside Guidelines, and C3-1 and C3-2 of the Central Eastside Guidelines.<sup>1</sup>

- **A4 Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- **C2 Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.
- **C3-1 Design to Enhance Existing Themes in the District.** Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character. The Central Eastside Guidelines note that “within the district, a context can be found in the siting, scale, material use and detailing of many older buildings.”
- **C3-2 Respect Adjacent Residential Neighborhoods.** Respect the architectural character and development patterns of adjacent residential neighborhoods. The Central Eastside Guidelines specifically address the EX zoning along SE 11th and 12th and emphasize protection of existing residential uses and the importance of these existing residential areas to smooth the transition to the single-family neighborhoods to the east: “New development should respect the architectural styles and development patterns of the adjacent residential neighborhoods. Consideration should be given to building height and bulk, building orientation, [...] architectural detailing and overall architectural style. The 10<sup>th</sup>-12<sup>th</sup> Avenue area should provide a graceful transition from the residential uses to the east and the C.E.I.D. core to the west.” Emphasis added.
- **C4 Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary.

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<sup>1</sup> Note that the Central Eastside Design Guidelines include the same general Guidelines used in the Central City Guidelines, but add additional sub-guidelines.

The Project currently fails to meet the above Guidelines because without the four-foot setback along the east property line there is not sufficient respect for the development pattern of the adjacent single-family neighborhood along SE 12<sup>th</sup> Avenue, including Ms. Robert's property. Specifically, the Project only includes a three-foot setback where it abuts these dwellings, and fails to satisfy Guidelines A4, C2, C3-1, C3-2 and C4 that require unifying elements and respect for the surrounding existing development context. With respect to Guideline C2, as stated on page 8 of the Staff Report and Recommendation for the Project, "[g]iven the building cladding concerns and the lack of details for the gates, this guideline is not yet met."

### 3. CONCLUSION

For the above reasons, Ms. Robert's conditionally supports the Project provided the Commission includes as a condition of approval that the Applicant maintain a four-foot setback along its east property line.

Very truly yours,



Garrett H. Stephenson

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cc: Ms. Mary Roberts (*via email*)  
Ms. Staci Monroe, Portland Bureau of Development Services (*via email*)

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