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DOUGLAS CAPPS
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PORTLAND SCHOOL DIST #1
MR. KERRY HAMPTON
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PORTLAND, OR 97206

PORTLAND TERMINAL RR
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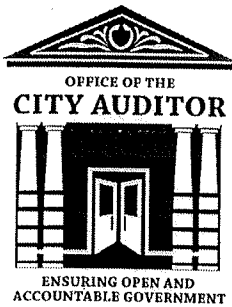
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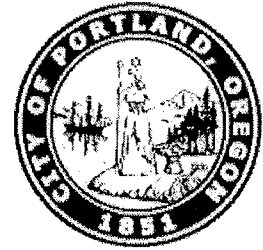
LU 12-106944 HZDM
DATE MAILED: 6/15/2012
ORDER MAILED: 8/01/2012

lu



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade
1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204
web: www.portlandonline.com/auditor/
Email: Karla.Moore-Love@portlandoregon.gov
Phone: (503) 823-4086 Fax: (503) 823-4571



August 1, 2012

Johnson Street Investors II LLC
500 E Broadway #110
Vancouver, WA 98660

Sam Rodriguez
Mill Creek Residential Trust LLC
220 NW 2nd Avenue Suite 900
Portland, OR 97209


RE: LU 12-106944 HDZM

Appeal of Northwest District Association against the Historic Landmarks Commission's decision to approve the application of Johnson Street Investors II LLC and Mill Creek Residential Trust LLC for Historic Design Review for two new, five story apartment buildings as a single project at the intersection of NW 19th Avenue and NW Johnson Street (Hearing; LU 12-106944 HDZM)

To Whom It May Concern:

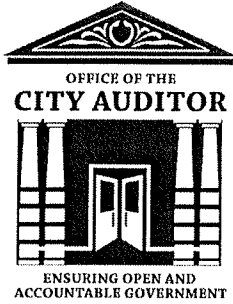
Enclosed is a copy of the Order of Council on LU 12-106944 HDZM. This Order must be recorded with the Multnomah County Recorder within 10 days of receipt of this letter. **Please send a check for \$46.00 made payable to the Multnomah County Recorder, indicating the file number on your check and Send to: The City of Portland, Office of the City Auditor, 1221 SE 4th Ave. Room 140, Portland, OR 97204-1900**

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of 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 appeared orally or in writing during the City's proceedings on this land review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Yours sincerely,
LaVonne Griffin-Valade
Auditor of the City of Portland
By: 
Karla Moore-Love, Council Clerk

Encl.

cc: Kurt Schultz, SERA Architects



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade
1221 S.W. 4th Avenue, Room 140, Portland, Oregon 97204
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Email: Karla.Moore-Love@portlandoregon.gov
Phone: (503) 823-4086 Fax: (503) 823-4571



NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: August 1, 2012
RE: LU 12-106944 HDZM

Appeal of Northwest District Association against the Historic Landmarks Commission's decision to approve the application of Johnson Street Investors II LLC and Mill Creek Residential Trust LLC for Historic Design Review for two new, five story apartment buildings as a single project at the intersection of NW 19th Avenue and NW Johnson Street (Hearing; LU 12-106944 HDZM)

Enclosed is a copy of the Order of Council on LU 12-106944 HDZM denying the appeal of the Northwest District Association and upholding the Historic Landmarks Commission's decision to approve the application of Johnson Street Investors II LLC and Mill Creek Residential Trust LLC for Historic Design Review for two new, five story apartment buildings as a single project at the intersection of NW 19th Avenue and NW Johnson Street. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk at (503) 823-4086 or by email at: Karla.Moore-Love@portlandoregon.gov

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of 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 appeared orally or in writing during the City's proceedings on this land review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON APPEAL OF
NORTHWEST DISTRICT ASSOCIATION AGAINST THE HISTORIC LANDMARKS
COMMISSION'S DECISION TO APPROVE THE APPLICATION OF JOHNSON STREET
INVESTORS II LLC AND MILL CREEK RESIDENTIAL TRUST LLC FOR HISTORIC DESIGN
REVIEW FOR TWO NEW, FIVE STORY APARTMENT BUILDINGS AS A SINGLE PROJECT
AT THE INTERSECTION OF NW 19TH AVENUE AND NW JOHNSON STREET (HEARING; LU
12-106944 HDZM)**

Applicants: Johnson Street Investors II LLC
500 E Broadway #110
Vancouver, WA 98660

Sam Rodriguez
Mill Creek Residential Trust LLC
220 NW 2nd Avenue Suite 900
Portland, OR 97209

Applicants'

Representative: Kurt Schultz
SERA Architects
338 NW 5th Avenue
Portland, OR 97209

Site Address: Intersection NW 19th Avenue and NW Johnson Street

Legal Description: BLOCK 177 LOT 2&3, COUCHS ADD; BLOCK 271 LOT 1&2 LOT 6&7 E 6'
OF LOT 10, COUCHS ADD

Zoning: RH, Residential High Density, with Historic Resource Protection Overlay (Building A); and EXd, Central Employment, with Historic Resource Protection and Design Overlays (Building B).

Procedure: Type III, with a public hearing before the Historic Landmarks Commission and opportunity to appeal the Commission's decision to the City Council. On appeal, the Council is the City's final decision maker on this application.

Proposal: The applicant is seeking Historic Design Review approval for a proposal to develop two new market rate apartment buildings as a single project, at the intersection of NW 19th Avenue and NW Johnson Street. Building A, with 5 floors, 86 dwelling units, and 66 below-grade parking stalls, is proposed on the southwesterly corner following demolition of a non-contributing building; and Building B with 5 floors and 48 dwelling units, is proposed on the northeasterly corner, which is currently occupied by a parking lot. Historic Design Review is required because the proposal is for non-exempt new construction in a historic district.

Modifications: The applicant is seeking modification of the following standards:

- 33.266.310, for a non-standard loading stall height of 8'-2" in basement of Building A, and for rear-motion exiting from loading in Building B;
- 33.266.130, for a non-standard parking stall depths of some spaces in basement of Building A; and

- 33.140.215 C. 1. e. 5, for a facade less than 100% within the maximum setback.

The Historic Landmarks Commission held a public hearing on April 23, and May 14, 2012 and issued a decision approving the application on May 21, 2012. On June 7, 2012, the Northwest District Association appealed the Commission's decision to the City Council. Notice of the Council's hearing was mailed on June 15, 2012.

The appeal hearing before the City Council was opened in the Council Chambers, 1221 SW 4th Avenue on July 18, 2012 at approximately 2:00 p.m. After hearing public testimony, Council voted to tentatively deny the Northwest District Association appeal, uphold the Historic Landmarks Commission's decision and ordered findings be prepared for July 25, 2012 at 9:30 a.m. On July 25, 2012 at 9:30 a.m. Council voted 4-1 to deny the appeal, uphold the Historic Landmarks Commission decision, and adopt findings and a final decision.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 12-106944 HDZM** and by this reference made a part of this Order, **it is the decision of Council** to deny the appeal by Northwest District Association and uphold the Historic Landmarks Commission's Decision. The effect of the Council's decision is:

(1) Deny the appeal of the Northwest District Association from the Historic Landmarks Commission's decision;

(2) Uphold the Historic Landmarks Commission's decision; and

(3) Approve Historic Design Review for new construction of two, five story, apartment buildings with 134 dwelling units and 70 below grades parking spaces, on the site of one non-contributing property and one vacant property, in the Alphabet Historic District.

(4) Approve the following four modifications:

1. 33.266.310, for a non-standard loading stall height of 8'-2" in basement of Building A, and
2. for rear-motion exiting from loading in Building B;
3. 33.266.130; for a non-standard parking stall depths of some spaces in basement of Building A; and
4. 33.140.215 C. 1. e. 5, for a facade less than 100% within the maximum setback.

Approvals are per Exhibits C-1 through C-48, signed, stamped, and dated May 17, 2012, subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (A – 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 12-106944 HDZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

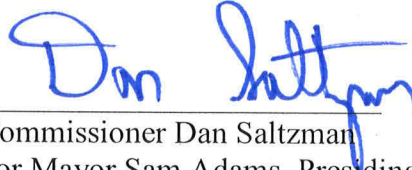
B. No field changes allowed.

- C. The stamped drawing shall reflect that the distance from the face of the stucco to the face of the window frame is a minimum of three inches.
- D. The stamped drawing shall reflect the dimensions of the side trims of vertically stacked windows.

IT IS SO ORDERED:

AUG 01 2012

Date



Commissioner Dan Saltzman
For Mayor Sam Adams, Presiding Officer at Hearing of
July 25, 2012
9:30 a.m. Session