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2012-098552



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CITY OF PORTLAND
Office of the City Auditor
1221 SW Fourth Avenue, Room 140
Portland, OR 97204-1900

I hereby certify this Land Use Document No. LU 12-106944 HDZM – 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 August 9th, 2012.

LAVONNE GRIFFIN-VALADE

Auditor of the City Of Portland

By Gayla Jennings
Deputy

RETURN TO CITY AUDITOR
131/140/Auditor's Office

**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