

MOTIONS LU 14-220722 DZ AD:

Appeal of Northwest District Association against Design Commission's decision to approve with conditions the Tess O'Brien Apartments at 1953 NW Overton and 1950 NW Pettygrove Streets (Hearing; LU 14-220722 DZ AD)

03-04-2015

Item 250

Motion to deny appeal and uphold Design Commission's decision; staff to prepare Findings for March 25, 2015 at 10:45 am Time Certain: Moved by Saltzman and seconded by Novick.

COMMISSIONERS VOTED AS FOLLOWS:

YEA: Fritz, Fish, Novick, Hales.

ABSENT: Saltzman

Agenda Disposition:

**TENTATIVELY DENY APPEAL AND UPHOLD DESIGN COMMISSION DECISION;
PREPARE FINDINGS FOR MARCH 25, 2015 AT 10:45 AM TIME CERTAIN**

03-25-2015

Motion to deny appeal of Northwest District Association and uphold the Design Commission's conditional approval: Moved by Fritz and seconded by Novick.

COMMISSIONERS VOTED AS FOLLOWS:

YEA: Fritz, Novick, Saltzman and Hales.

ABSENT: Fish

Agenda Disposition:

FINDINGS ADOPTED



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

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7308
Fax: (503) 823-7250
TTY: (503) 823-6868
www.portlandoregon.gov/bds

MEMORANDUM

February 13, 2015

TO: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman

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

RE: City Council hearing on LU 14-220722 DZ AD Type 3 Appeal
1950 NW Pettygrove and 1953 NW Overton Streets

The purpose of this memorandum is to provide a summary and brief description of the land use review that will be presented to you in public hearing on March 4, 2015 at 2:00 PM, time certain.

Site Address: 1950 NW Pettygrove and 1953 NW Overton Streets

BDS Representative: Staci Monroe, City Planner, Land Use Services

1. **Land Use Reviews Requested:** Type 3 Design Review (DZ) and an Adjustment Review (AD)

2. **Key Elements of Proposal:**

Applicant: Phillip Chubb, FFA Architecture & Interiors Inc.

Owner: Martin Kehoe, Portland LEEDS Living, LLC

Site Size: 18,000 SF

Development: Two, 6-story apartment buildings with 123 residential units (51 units in the Pettygrove building and 72 units in the Overton building) and a large outdoor courtyard between the buildings in the Northwest Plan District. Adjustment requested was to not provide the two 9' x 18' loading spaces required on the site for each building.

3. **Final Decision:**

The decision of the Design Commission is to approve the Design Review (DZ) and Adjustment (AD) with conditions.

4. Alternatives Facing Council:

- Deny the appeal, and uphold the Design Commission's decision to approve the request with conditions.
- Deny the appeal, and uphold the Design Commission's decision with modified conditions to approve the request with conditions.
- Grant the appeal, and overturn the Design Commission's decision to approve the request with conditions, thereby denying the request.

Portland, Oregon
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
 For Council Action Items**

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Staci Monroe	2. Telephone No. 503-823-0624	3. Bureau/Office/Dept. Bureau of Development Services (BDS)
4a. To be filed (hearing date): March 4, 2015	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>	5. Date Submitted to Commissioner's office and CBO Budget Analyst: February 11, 2015
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed	6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

LU 14-220722 DZ AD – Tess O’Brien Apartments (1950 NW Pettygrove & 1953 NW Overton)

2) Purpose of the Proposed Legislation:

This is an appeal of Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.790.030.F provides Type III Land Use Review decisions may be appealed to City Council.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|------------------------------------|---|--------------------------------|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input checked="" type="checkbox"/> Northwest | <input type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This is not a legislative action. This quasi-judicial action applies to one site. The decision will not solely or substantially impact City revenues.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not

known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the **level of confidence**.)

Generally, Land Use Reviews are fee supported. Fees are charged to file an appeal, however, the appeal fee for this application was waived by the Director of BDS as indicated in Section 33.750.050. There are no additional costs to the City associated with this appeal.

6) Staffing Requirements:

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** (If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)
- **Will positions be created or eliminated in future years as a result of this legislation?**

No positions will be created, eliminated, or reclassified in current or future years as a result of this legislation.

(Complete the following section only if an amendment to the budget is proposed.)

7) Change in Appropriations (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)

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

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

YES: Please proceed to Question #9.

NO: Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

Any impacts associated with the current application and appeal procedure are related to the mass of proposed buildings, specifically, the setbacks from adjacent properties and the height of the Overton building. The appeal states the approval criteria, specifically Community Design Guideline D7 (Blending into the Neighborhood), has not been met because the proposed development’s mass is not compatible with the scale and context of existing development in the neighborhood. Additionally, the appeal states procedural errors occurred in the Design Review process.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

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 Northwest District Association, Nob Hill Business Association and Neighbors West/Northwest (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, AIA Urban Design Committee and the Oregon Department of Transportation are also mailed notice.

c) How did public involvement shape the outcome of this Council item?

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Neighborhood and community comments were received before and at the public hearings before Design Commission on November 6, 2014, December 4, 2014, December 18, 2014 and January 15, 2015. Public comments regarding various aspects of the proposal were considered by city staff and the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision.

d) Who designed and implemented the public involvement related to this Council item?

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.

e) Primary contact for more information on this public involvement process (name, title, phone, email):

Staci Monroe, City Planner II, Bureau of Development Services –Land Use Services
503.823.0624
Staci.monroe@portlandoregon.gov

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

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 33.730.040. 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).



Paul L. Scarlett, Director, Bureau of Development Services

APPROPRIATION UNIT HEAD (Typed name and signature)