



CITY OF PORTLAND

Office of City Auditor Mary Hull Caballero

Council / Contracts

1221 S.W. 4th Avenue, Room 130, Portland, Oregon 97204

web: www.portlandonline.com/auditor/

Email: Karla.Moore-Love@portlandoregon.gov

Phone: (503) 823-4086 Fax: (503) 823-4571



NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: March 30, 2015
RE: 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)

Enclosed is a copy of the Order of Council on LU 14-220722 DZ AD denying the appeal of the Northwest District Association and upholding Design Commission's conditional approval. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk by email at: Karla.Moore-Love@portlandoregon.gov or at (503) 823-4086.

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 LUBA 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. LUBA's address is: DSL Building, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283. You may call LUBA at 1-503-373-1265 or visit LUBA's website (www.oregon.gov/LUBA) for further information on filing an appeal.

Yours sincerely,
Mary Hull Caballero
Auditor of the City of Portland

By:

Karla Moore-Love, Council Clerk

Encl.

**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)**

- Applicants:** Phillip Chubb
FFA Architecture & Interiors Inc.
520 SW Yamhill Street Suite 900
Portland, OR 97204
- Owner:** Martin Kehoe
Portland LEEDS Living, LLC
6605 SW Macadam Avenue
Portland, OR 97239
- Site Address:** 1953 NW Overton & 1950 NW Pettygrove Streets
- Legal Description:** BLOCK 265 LOT 12&13, COUCHS ADD and BLOCK 265, W 1/2 OF LOT 10, LOT 11
COUCHS ADD
- Zoning:** EXd: Central Employment (EX) base zone; Design (d) overlay zone
- Procedure:** Type III, with a public hearing before the Design Commission. The decision of the
Design Commission can be appealed to City Council.

Original Proposal:

The applicant applied for Design Review approval for two, 6-story apartment buildings with an interior courtyard containing a total of 123 residential units (51 units in the Pettygrove building on NW Pettygrove Street and 72 units in the Overton building on NW Overton Street). The ground level of the buildings include lobbies, live-work and residential units, and areas for bike storage and trash. Apartment units will occupy the upper floors of both buildings. The 67' tall structures will be comprised of red brick, black aluminum and black vinyl windows, steel canopies, and stucco. A large outdoor courtyard is proposed between the buildings that will include landscaping, outdoor seating areas, a pergola, stormwater planters and covered bike storage. The 153 required long-term bike spaces will be dispersed throughout the project both in the buildings and courtyard. The project will pay into the Bike Fund for the 7 short-term bike spaces required. A Type 3 Design Review is required for new development in a Design overlay where the project value exceeds \$2,087,400, per Zoning Code Section 33.825.025.A.1.e.

The applicant also requested the following Adjustment:

1. To not provide the two 9' x 18' loading spaces required on the site (Section 33.266.310.C.1.a).

After notice and public hearings on November 6, December 4, and December 18, 2014 and January 15, 2015, the Design Commission adopted a decision approving the applicant's request for Design Review and Adjustment at the conclusion of the January 15th hearing. The Northwest District Association filed a timely appeal of the Design Commission's decision on February 4, 2015 and an on-the-record appeal hearing before the City Council was scheduled for March 4, 2015.

The City Council appeal hearing was opened in the Council Chambers, 1221 SW 4th Avenue on March 4, 2015 at approximately 2:00 p.m. After hearing public testimony and considering the evidence in the record, the Council voted 4-0 to tentatively deny the appeal of the Northwest District Association and uphold Design Commission's decision and ordered staff to prepare Council final findings for consideration and adoption on March 25, 2015 at 10:45 a.m. On March 25, 2015 at approximately 10:45 a.m. Council voted 4-0 to adopt findings and a final decision to deny the appeal and uphold the Design Commission's decision approving two 6-story apartment buildings in the Northwest Plan District.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Conclusions in **Case File LU 14-220722 DZ AD** and by this reference made a part of this Order, **it is the decision of Council to Deny the appeal of the Northwest District Association and uphold Design Commission's conditional approval as noted below:**

Approval of a Design Review for two 6-story apartment buildings containing 123 residential units (51 units in the Pettygrove building and 72 units in the Overton building) in the Northwest Plan District.

Approval of the following Adjustment:

1. To not provide the two 9' x 18' loading spaces required on the site (Section 33.266.310.C.1.a).

Conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (A – E) 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 14-220722 DZ. 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. A minimum of two coats of the stucco finish must be applied to the cementitious panels for the "Senenergy 1000" rain screen system.
- D. The canopies along the ground level of both buildings that face the courtyard must match the design and materials of the steel canopies on the street-facades of both buildings as shown in detail A3 of Exhibit C.21 and depicted on Exhibit C.31.
- E. The non-street facades of both buildings shall be all of the same dark color stucco and the banding that aligns with the cornice of the brick façade shall be removed as depicted in Exhibit C.32

IT IS SO ORDERED:

MAR 30 2015

Date



Mayor Charlie Hales
Presiding Officer at Hearing of
March 25, 2015
9:30 a.m. Session