

## NOTICE OF APPEAL

### Appeal of Class II Design Review at 1919 and 1949 Willamette Falls Drive

**Appellants:** Ian and Audra Brown  
1968 6th Ave  
West Linn OR 97068

**Appellants' Representative:** Carrie Richter  
Bateman Seidel  
1000 SW Broadway #1910  
Portland, Oregon 97205

**West Linn File No:** DR-23-01

**Standing:** Appellants Ian and Audra Brown testified orally and in writing before the Historic Review Board and the Planning Commission regarding this decision. They were provided notice of the Planning Commission's decision and have standing under CDC 99.140 to seek review by the City Council.

**Grounds for Appeal:** Acknowledging that Appellants do not have to identify all appeal issues in a de novo review, this appeal is likely to focus on the following:

- 1) The elevator lobby and the enclosed rooftop stairwell comprise a 3<sup>rd</sup> story in violation of CDC 58.080(C)(3). These areas will be used for "human occupancy" and as such, are not "projections" subject to the CDC 41.030 exception to the height limit. These elements need to be removed from the proposal.
- 2) The condition imposed by the Planning Commission to address noise buffering requirements in CDC 55.100(C) and (D) lacks clarity and is insufficient. The adopted condition triggering completion of a noise study at 50% occupancy of the building and not requiring any occupancy of the rooftop patio at the time of the study will not ensure that noise from the patio is buffered. Further, imposing a condition prohibiting use of the rooftop patio by commercial customers for the consumption of food or beverages is feasible and could be enforced.

Appellants believe that these concerns can be resolved through revision of the conditions of approval.