



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: March 25, 2014
To: Interested Person
From: Andrew Gulizia, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-115653 AD

GENERAL INFORMATION

Applicant: Paul McKean / Paul McKean Architecture, Inc. / 503-784-3236
4039 N Mississippi Ave #306 / Portland, OR 97227

Property Owners: Martin Lotti and Linda Mai-Lotti
8404 NW Thompson Rd / Portland, OR 97229

Site Address: 8404 NW Thompson Rd

Legal Description: BLOCK 1 LOT 2, SKYLINE SUMMIT **Tax Account No.:**R773950230
State ID No.: 1N1W25BC 01100 **Quarter Section:** 2721
Neighborhood: Northwest Heights, contact Charles Clark at 503-297-6159.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest Hills – Skyline Subdistrict
Zoning: R10 – Single-Dwelling Residential 10,000
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to construct a new upper story on the single-dwelling house on this site. On lots such as this one, which slope downhill from the street (NW Thompson Road) at an average slope of 20% or more, Zoning Code Section 33.110.215.D.1 allows a maximum building height of 23 feet measured from the average grade at the street lot line. The applicant is requesting an Adjustment to this standard to allow the roofline of the addition to be 31 feet above the average grade at the street lot line along NW Thompson Road. (Note: Average grade is determined by averaging the elevations of the two property corners along the street lot line.)

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805.040.A-F of the Portland Zoning Code.

ANALYSIS

Site and Vicinity: The site is a 12,314 square-foot through lot fronting on NW Thompson Road to the east and on NW Pinnacle Drive to the west. The site slopes steeply downhill from NW Thompson Road and is developed with a single-dwelling residence accessed by an elevated driveway. Neighboring lots are also steeply sloping, with single-dwelling homes that are one or two stories in the front and two to four stories in back.

Zoning: The R10 designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and to promote housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The site is within the Skyline Subdistrict of the Northwest Hills Plan District. The regulations of the Northwest Hills Plan District are intended to protect sites with sensitive and highly valued resources and functional values. However, the associated regulations do not affect the Adjustment request.

Land Use History: City records indicate that prior land use reviews include the following:

- LUR 92-00513 SU: In 1992, the City approved a modification to the lot layout and phasing plan for the Skyline Summit subdivision, of which this site is a part.
- LUR 93-00223 SU: In 1993, the City approved a modification to the street widths for the Skyline Summit subdivision.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed February 25, 2014. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services;
- Bureau of Transportation Engineering;
- Water Bureau;
- Site Development Section of BDS;
- Life Safety Review Section of BDS; and
- Bureau of Parks-Forestry Division

The Fire Bureau responded with no concerns about the Adjustment but with information on code requirements that will be relevant to the building permit review. Please see Exhibit E-4 for additional details.

Neighborhood Review: Two written responses have been received from notified property owners in response to the Notice of Proposal. These neighbors object to the proposal because they anticipate the addition will negatively impact their views and consequently their property values.

Staff Response: Impacts to views are discussed in detail in the findings for approval criterion B, below.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

- A.** Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting an Adjustment to the maximum building height requirement for structures on steeply sloping lots. The purpose of the building height requirement is stated in Zoning Code Section 33.110.215.A:

Purpose. *The height standards serve several purposes:*

- *They promote a reasonable building scale and relationship of one residence to another;*
- *They promote options for privacy for neighboring properties; and*
- *They reflect the general building scale and placement of houses in the city's neighborhoods.*

With the proposed upper story addition, the overall scale of the house will be comparable to nearby houses. For example, the house on the adjacent property to the south will have very similar height and massing, as illustrated in the attached south building elevation. The Adjustment will not cause the house on this site to tower over any neighboring house or appear out of place in the surrounding neighborhood.

Viewed from NW Thompson Road, the proposed building height will appear relatively modest. Although the roofline will be 31 feet above the average elevation of the property corners along Thompson Road, the roofline will be only 18 feet higher than the pavement grade of the street and sidewalk. The Adjustment is required only because the property corners on this site are significantly lower in elevation than the pavement.

Also, the windows in the upper story addition are placed in the back where, due to the lot pattern and existing vegetation, neighbors' privacy will not be impacted.

Based on these reasons, the Adjustment equally meets the intent of the regulation and this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Because the site is located in a single-dwelling residential zone, the applicant must demonstrate that the proposal will not significantly detract from the livability or appearance of the surrounding residential area.

The addition will match the rest of the house in architectural design and, as discussed above, the massing will be compatible with the massing of neighboring homes. No windows are proposed which will negatively impact adjacent neighbors' privacy.

Two letters were received in opposition to the proposal. Those writing in opposition believe the addition will disrupt views toward the west, which, given the slope and high elevation of the neighborhood, are panoramic. The applicant submitted a cross section drawing and photos showing that properties east of the site are significantly higher in elevation than the subject property, and that views of the new addition from the east will be largely obscured by existing tree canopy (Exhibit A-2). In spite of the tree canopy, the new addition *will* be visible from some windows on houses to the east, and therefore views to the west behind the new addition will be lost from those vantage points. However, given that homes east of the site are approximately 150 feet away, sit approximately 50 feet higher in elevation, and are separated from NW Thompson Road by substantial tree canopy, staff finds that the portion of those views that will be blocked does not constitute a *significant* negative impact on the livability or appearance of the neighborhood.

Also, as noted in the findings for criterion A, the building height that will be visible from the east is modest, as the roofline will be only 18 feet above the pavement grade of NW

Thompson Road. Furthermore, the upper story addition is only proposed for the rear of the house, and is set back 23 feet from the street lot line.

Staff finds this criterion is met.

- C. If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: As only one Adjustment is being requested, this criterion is not applicable.

- D. City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

- E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: As discussed in the findings for approval criterion B, the proposal will have some impact to views from properties east of the site. These impacts are mitigated to the extent practical as the upper story addition is set back 23 feet from the east property line and will have a low, flat roof with no roof overhangs. This criterion is met.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on the site, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal to increase the maximum building height for an addition equally meets the intent of the building height regulation, and will not *significantly* detract from the livability or appearance of the surrounding residential neighborhood. The applicant has demonstrated that the applicable approval criteria have been met. Since the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum building height above the average grade at the street lot line on NW Thompson Road from 23 feet to 31 feet (Zoning Code Section 33.110.215.D.1), per the approved site plans and building elevations, Exhibits C-1 through C-5, signed and dated March 20, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land

use review as indicated in Exhibits C-1 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-115653 AD."

B. No field changes that would increase the roof elevation are allowed.

Staff Planner: Andrew Gulizia

Decision rendered by: _____ **on March 20, 2014.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 25, 2014

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 12, 2014, and was determined to be complete on February 20, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 12, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: June 20, 2014.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 8, 2014**, at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The

appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 9, 2014**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

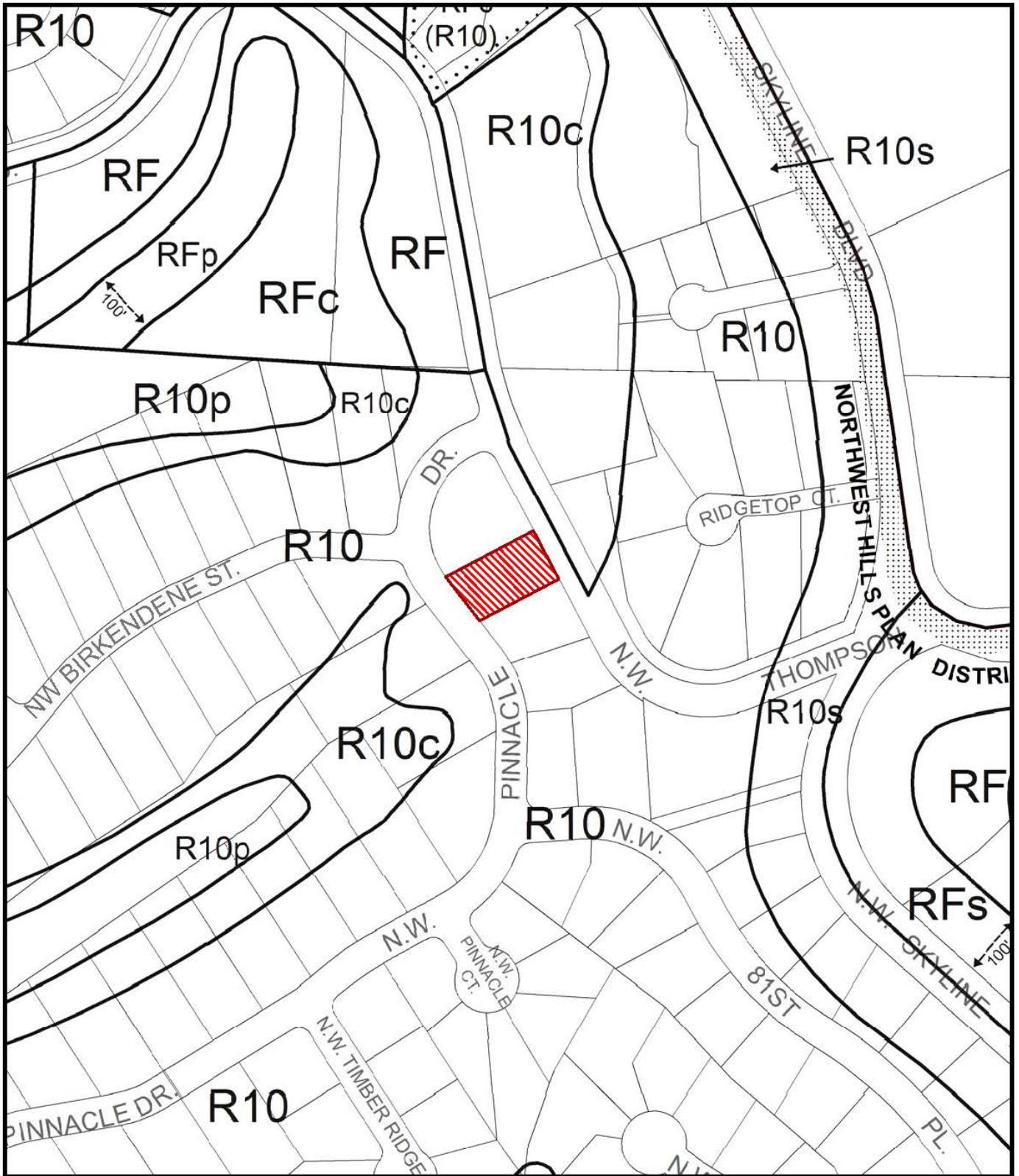
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Written narrative
 - 2. Additional graphics submitted by applicant 3/13/14
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. North elevation (attached)
 - 3. South elevation (attached)
 - 4. East elevation (attached)
 - 5. West elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Review Section of BDS
 - 7. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Letter in opposition from Arthur Vandembark and Halina Offner-Vandembark, received 3/3/2014
 - 2. Letter in opposition from Kyu Sook Kim and Sung Bo Kim, received 3/4/2014
- G. Other:
 - 1. Original LU application

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

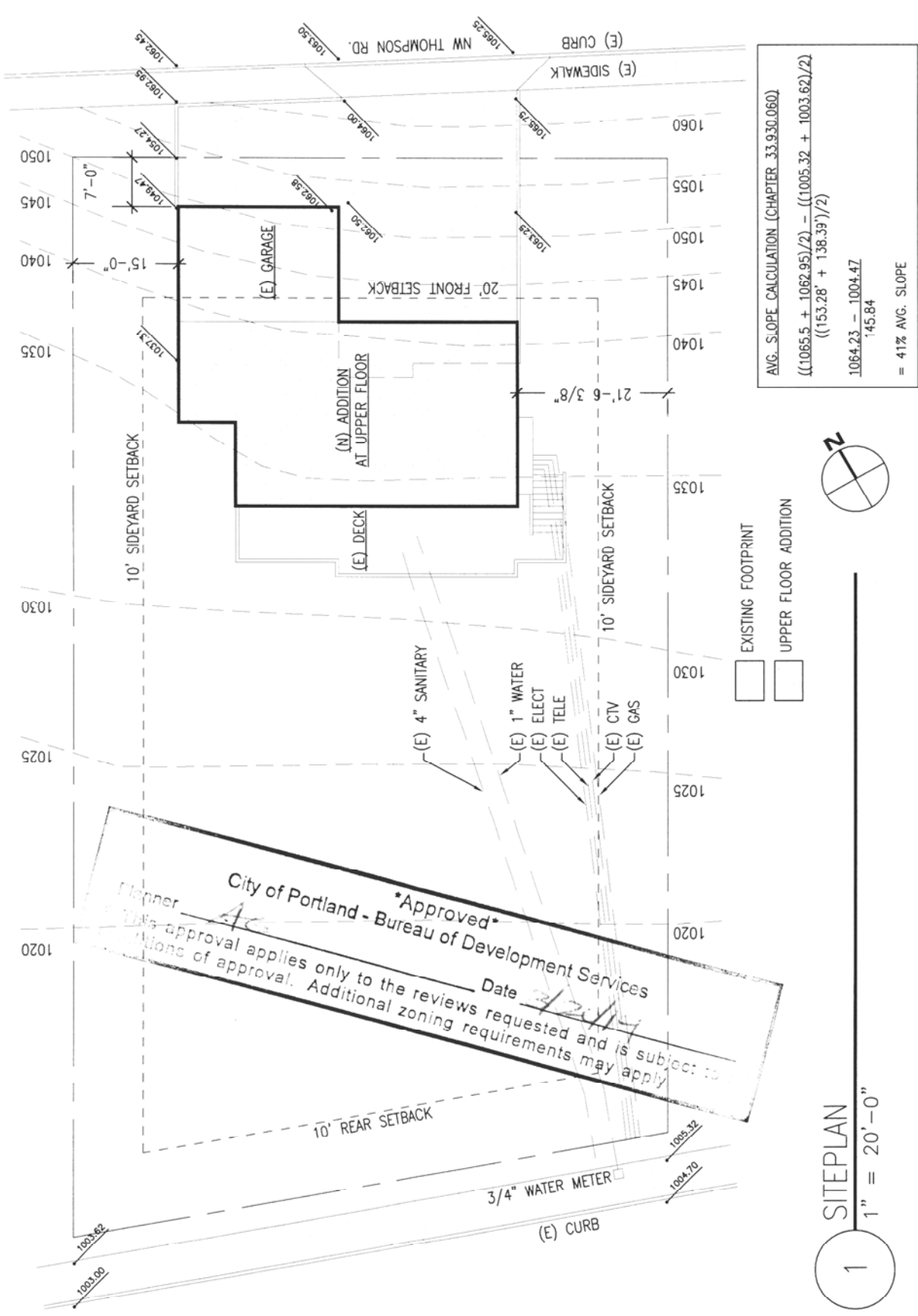


Site



This site lies within the:
NORTHWEST HILLS PLAN DISTRICT
SKYLINE SUB DISTRICT

File No. LU 14-115653 AD
 1/4 Section 2721
 Scale 1 inch = 200 feet
 State_Id 1N1W25BC 1100
 Exhibit B (Feb 14, 2014)



AVG. SLOPE CALCULATION (CHAPTER 33.930.060)

$$\frac{((1065.5 + 1062.95)/2) - ((1005.32 + 1003.62)/2)}{((153.28 + 138.39)/2)}$$

$$\frac{1064.23 - 1004.47}{145.84}$$

= 41% AVG. SLOPE

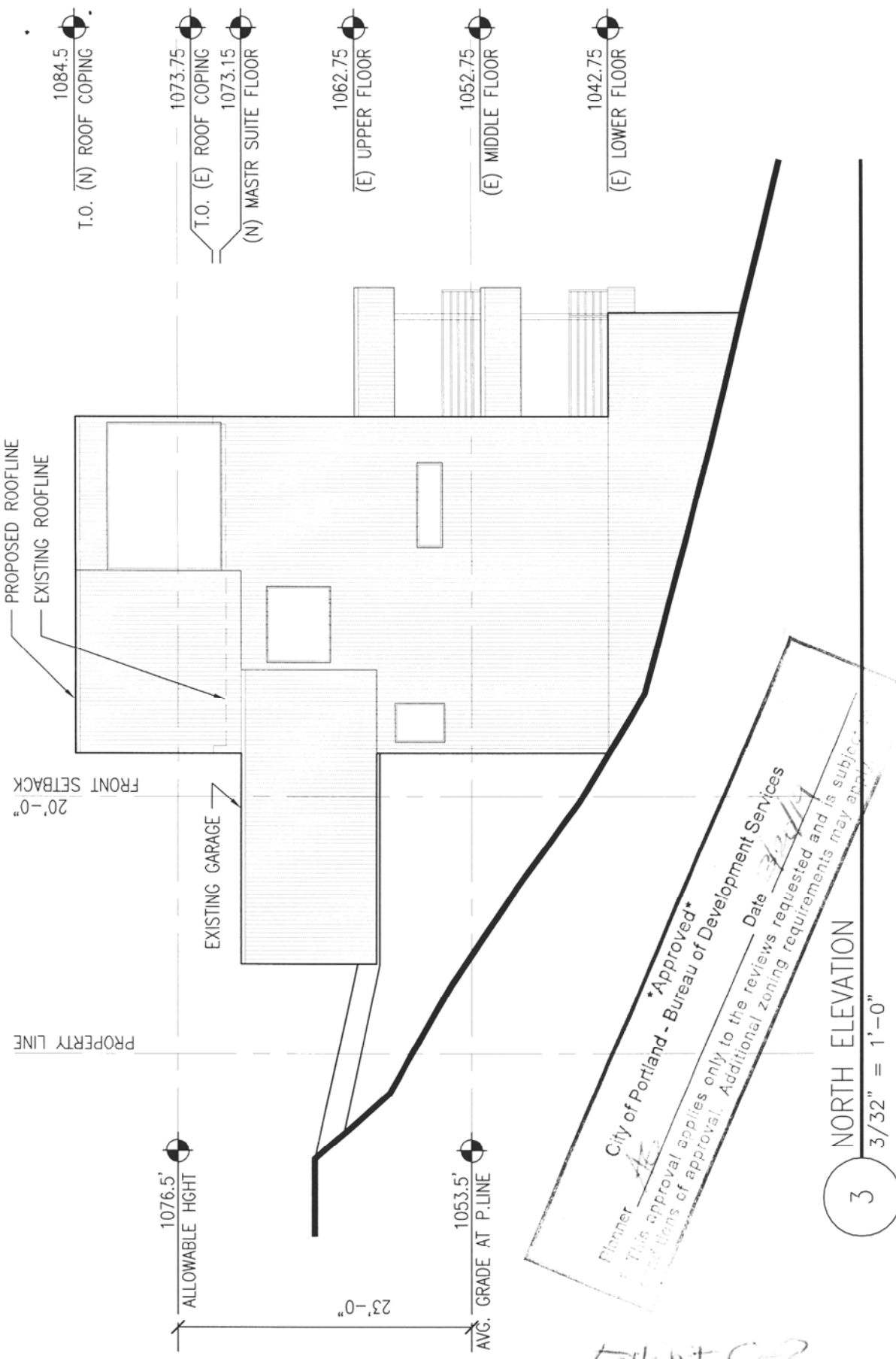


1
1" = 20'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner AC Date 3/2/14
 This approval applies only to the reviews requested and is subject to
 conditions of approval. Additional zoning requirements may apply.

Structural Engineer	ARCHITECT	Owner	Project	ZONING ADJUSTMENT
	Paul McKeen oio Paul McKeen architecture llc 2505 sw 11th ave suite 328 Portland, Oregon 97202 USA Mobile 503.784.3236 Fax 877.350.7159	MARTIN & LINDA MAI LOTTI	LOTTI RESIDENCE 8404 NW THOMPSON RD. Portland, OR 97229	Sheet Title SITE PLAN
				Drawing No. A11
				Scale 1" = 4'-0"
				Date 02-10-2014
				full size 8.5"x11"
				Project No. 1401

Exhibit C-1
 LV 14-115653 AD

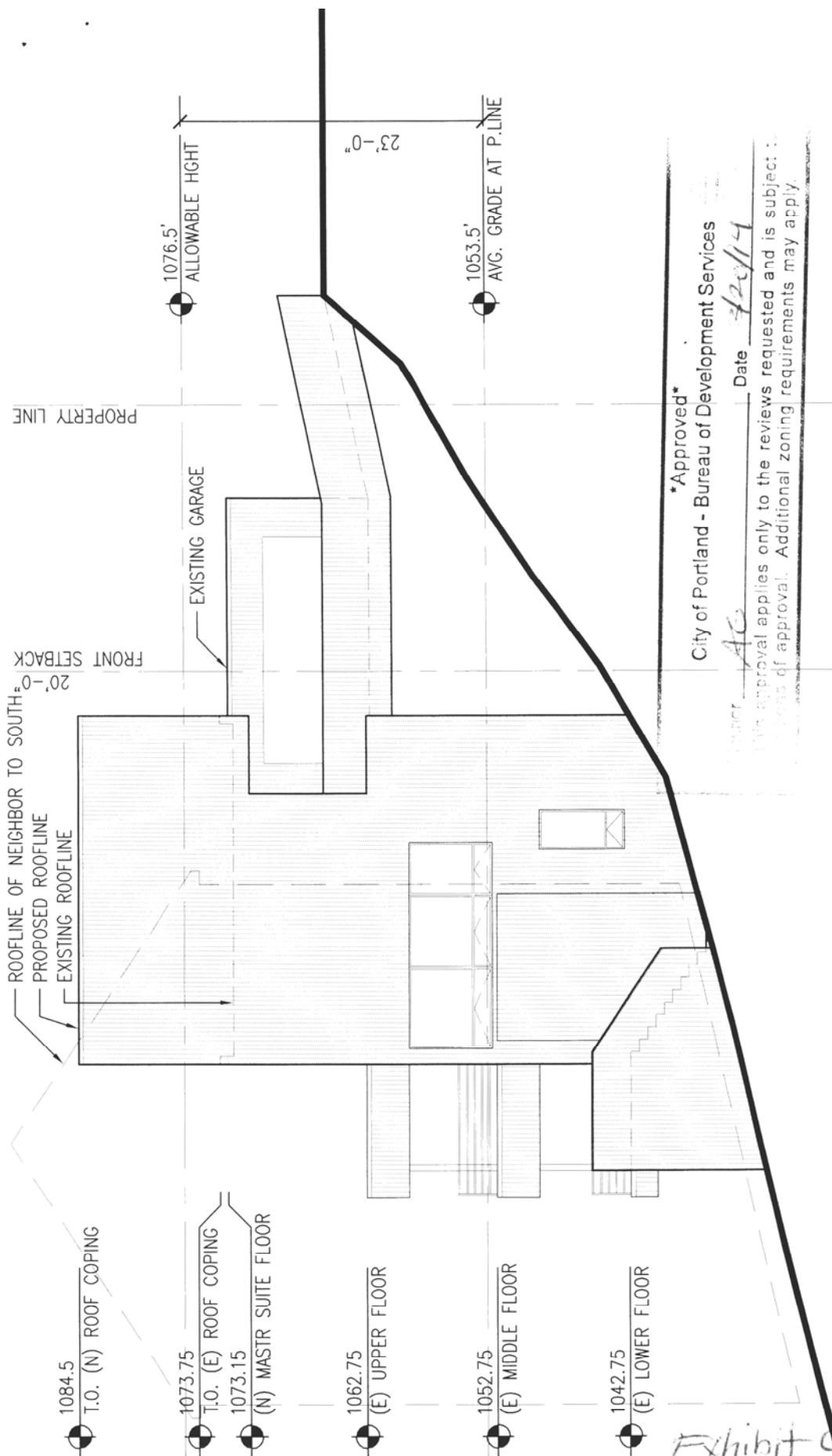


City of Portland - Bureau of Development Services
 Planner *AR* Date *3/31/14*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

3
 NORTH ELEVATION
 3/32" = 1'-0"

Exhibit C-2
 LN 14-115653 AD

Structural Engineer	ARCHITECT Paul McKeen oia Paul McKeen architecture llc 2505 NE 15th Ave Suite 326 Portland, Oregon 97202 USA Mobile 503.784.3236 Fax 877.350.7159
Owner	MARTIN & LINDA MAI LOTTI
Project	LOTTI RESIDENCE 8404 NW THOMPSON RD. Portland, OR 97229
ZONING ADJUSTMENT	
Sheet Title	EXTERIOR ELEVATIONS
Drawing No.	A33
Scale	1" = 4'-0"
Date	02-10-2014
	full size 8.5"x11"
Project No.	1401



Approved
 City of Portland - Bureau of Development Services

Date 3/21/14

This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

1 SOUTH ELEVATION
 3/32" = 1'-0"

Exhibit C-3
 LU 14-115653 AD

ZONING ADJUSTMENT Sheet Title EXTERIOR ELEVATIONS Drawing No. A31 Scale 1" = 4'-0" Date 02-10-2014 full size 8.5"x11" Project No. 1401	Project LOTTI RESIDENCE 8404 NW THOMPSON RD. Portland, OR 97229	Owner MARTIN & LINDA MAI LOTTI	ARCHITECT Paul McKeen aka Paul McKeen architecture llc 10000 SW Beaverton Ave #232 Portland, OR 97224 Mobile 503.784.3236 Fax 877.350.7159	Structural Engineer
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PROPOSED ROOFLINE
EXISTING ROOFLINE

1084.5
T.O. (N) ROOF COPING

1073.75
T.O. (E) ROOF COPING
1073.15
(N) MASTR SUITE FLOOR

1062.75
(E) UPPER FLOOR

1052.75
(E) MIDDLE FLOOR

1042.75
(E) LOWER FLOOR

1076.5'
ALLOWABLE HIGHT

± 0'-0"

1053.5'
AVG. GRADE AT P.LINE

Approved

City of Portland - Bureau of Development Services

Number AC Date 3/20/14

This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

2 EAST ELEVATION

3/32" = 1'-0"

Exhibit C-4
LU 14-115653 AD

ZONING ADJUSTMENT

Sheet Title
EXTERIOR
ELEVATIONS

Drawing No.

A32

Scale 1" = 4'-0"

Date 02-10-2014

full size 8.5"x11"

Project No. 1401

Owner

MARTIN &
LINDA MAI LOTTI

Project

LOTTI RESIDENCE

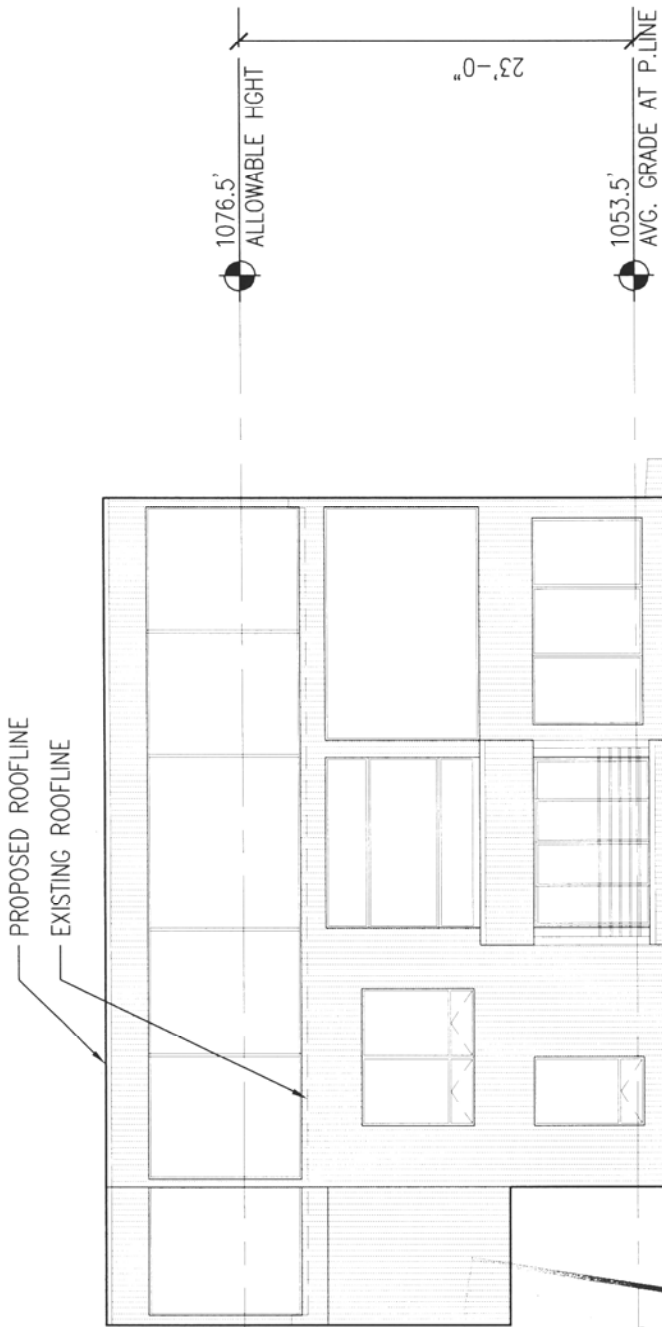
8404 NW THOMPSON RD.
Portland, OR 97229

ARCHITECT

Paul McKean dia
Paul McKean architecture llc
2500 se 11th ave, suite 328
Portland, OR 97202 USA
Mobile 503.784.3236
Fax 877.350.7159

Structural Engineer

PROPOSED ROOFLINE
EXISTING ROOFLINE



4 WEST ELEVATION
3/32" = 1'-0"

1084.5
T.O. (N) ROOF COPING

1073.75
T.O. (E) ROOF COPING

1073.15
(N) MASTR SUITE FLOOR

1062.75
(E) UPPER FLOOR

1052.75
(E) MIDDLE FLOOR

1042.75
(E) LOWER FLOOR

Approved
City of Portland - Bureau of Development Services
Date 3/28/14
This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-5
2014-115653 AD

Structural Engineer	ARCHITECT Paul McKean aka Paul McKean architecture llc 2305 se 11th ave, ste 323 Portland, OR 97202 USA Mobile 503.784.3236 Fax 877.350.7159
Owner	MARTIN & LINDA MAI LOTTI
Project	LOTTI RESIDENCE 8404 NW THOMPSON RD. Portland, OR 97229
ZONING ADJUSTMENT	
Sheet Title	EXTERIOR ELEVATIONS
Drawing No.	A34
Scale	1" = 4'-0"
Date	02-10-2014
	full size 8.5"x11"
Project No.	1401