



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: November 21, 2016
To: Interested Person
From: David Besley, Land Use Services
503-823-7282 / David.Besley@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. 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 16-242862 AD

GENERAL INFORMATION

Applicant: Alek Hoffman
Green Gables Design and Restoration
1807 NW Vaughn St
Portland, OR 97209

Owners: Christopher Jones and Angela Cook-Jones
2525 SW Montgomery Dr
Portland, OR 97201-1751

Site Address: 2525 SW MONTGOMERY DR

Legal Description: BLOCK B LOT 1 TL 4200, SMITHS ADD TO P
Tax Account No.: R775800200
State ID No.: 1S1E05DD 04200
Quarter Section: 3226

Neighborhood: Southwest Hills Residential League, contact Nancy Seton at 503-224-3840

District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592

Zoning: R10 (Residential 10,000)

Case Type: AD (Adjustment Review)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant is proposing to construct a 400 square foot addition to an existing 3-story 3,792 square foot house. The existing house is on a steep downhill slope away from the street with an average grade of about 35 percent. While the building height limit in this zone is 30 feet, on lots that slope downhill from the street with an average slope of 20 percent or greater, the Portland

Zoning Code allows the building height limit to be the higher of either 23 feet above the average grade of the street, or the normal height limit (Section 33.110.215.D Alternative height limits for steeply sloping lots). In this case, the height limit is 23 feet above the average grade of the street. The average grade of the street is 635'-6" and the height limit is 658'-6". The existing house has a height of 664' and the addition is proposed to have a height of about 671'-9"; therefore, an Adjustment is required to increase the maximum allowed height from 658'-6" to approximately 671'-9" for a 400 square foot addition (or 36.25 feet above the average grade of the street).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

ANALYSIS

Site and Vicinity: The 17,000 square foot lot is on the west side of SW Montgomery Drive, approximately 150 feet northwest of the intersection of SW Buena Vista Drive and SW Montgomery Drive, in the Southwest Hills neighborhood. The site slopes steeply from the road on the east downward to the west and contains a 3,792 square foot residence. The surrounding vicinity has steep topography and is developed with primarily single-dwelling residences.

Zoning: The R10 zone is a single-dwelling zone that is intended to preserve land for housing, and to provide housing opportunities for individual households. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed October 19, 2016. The following Bureaus have responded with the following information:

- The Life Safety Section of the Bureau of Development Service (BDS) responded with no concerns and provided Building Code information (Exhibit E-1);
- The Fire Prevention Division responded with no concerns and provided Fire Code information (Exhibit E-2);
- The Bureau of Environmental Services responded with no concerns and provided information on stormwater management (Exhibit E-3); and
- The Bureau of Transportation responded with no concerns and provided information on transportation system development charges and driveway construction (Exhibit E-4).

The following Bureaus have responded with no concerns:

- The Water Bureau; and
- Site Development Review Section of BDS.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown 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 proposing to construct a 400 square foot addition to an existing 3-story house on a steeply sloping hill. An Adjustment is required to increase the maximum allowed building height from 23 feet above the average grade of the street to 36.25 feet above the average grade of the street.

33.110.215 Height

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.*

While the height of the new proposed structure will be 13' – 3" inches over the maximum allowed height, the addition will be only 5' – 6" inches taller than the existing house. The additional 5'-6" in height is not a substantial increase over the existing height, particularly given the topography on the site. The structure is located down a steep slope from the road with an average grade of about 35 percent. The site includes several existing shrubs and mature trees, which screen the house from the road and neighboring properties. The house is over 60 feet from the road and over 120 feet from the nearest neighboring house, which is up a steep hill to the east of the subject property; therefore, significant separation and privacy are provided. Most of the other houses along SW Montgomery Drive are much closer to the road and do not have screening, making them appear to be built to a greater scale than that of the proposal. Additionally, the increased height is limited to only a small portion of the existing house and will not substantially change the overall scale of the house

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: As noted above, the structure is located down a steep slope from the road and is heavily screened with mature trees, making the house minimally visible from the road and neighboring properties. The proposed addition will therefore not significantly detract from the livability or appearance of the residential area.

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: Only one Adjustment is proposed; therefore, this criterion is not applicable.

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

Findings: City designated scenic resources are identified on the Official Zoning Map with a lower case "s" and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable.

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

Findings: As noted above, the steep topography, significant distances from neighboring houses, and screening with mature trees, and minimal size of the addition in relation to the existing house mitigate the impacts of the height increase.

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 Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). No environmental zoning is applied to the site; therefore, 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 applicant is proposing to construct a 400 square foot addition to an existing 3-story house on a steeply sloping hill. An Adjustment is required to increase the maximum allowed height from 658'-6" to approximately 671'-9". The structure is located down a steep slope from the road and is heavily screened with mature trees, making the house minimally visible from the road and neighboring properties. By comparison, most of the other houses along this part of SW Montgomery Drive are much closer to the road and do not have screening, making them appear to be built to a greater scale than that of the proposal. The proposal meets the applicable approval criteria and should therefore be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum allowed building height from 23 feet above the average grade of the street to 36.25 feet above the average grade of the street for a 400 square foot addition (Section 33.110.215) per the approved site plans, Exhibits C-1 through C-4, signed and dated November 16, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 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-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-242862 AD. No field changes allowed."

Staff Planner: David Besley



Decision rendered by: _____ **on November 16, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 21, 2016

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 September 14, 2016, and was determined to be complete on October 13, 2016.

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 September 14, 2016.

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: February 8, 2017.**

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 December 5, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 **December 6, 2016 – (the day following the last day to appeal)**.
- 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:

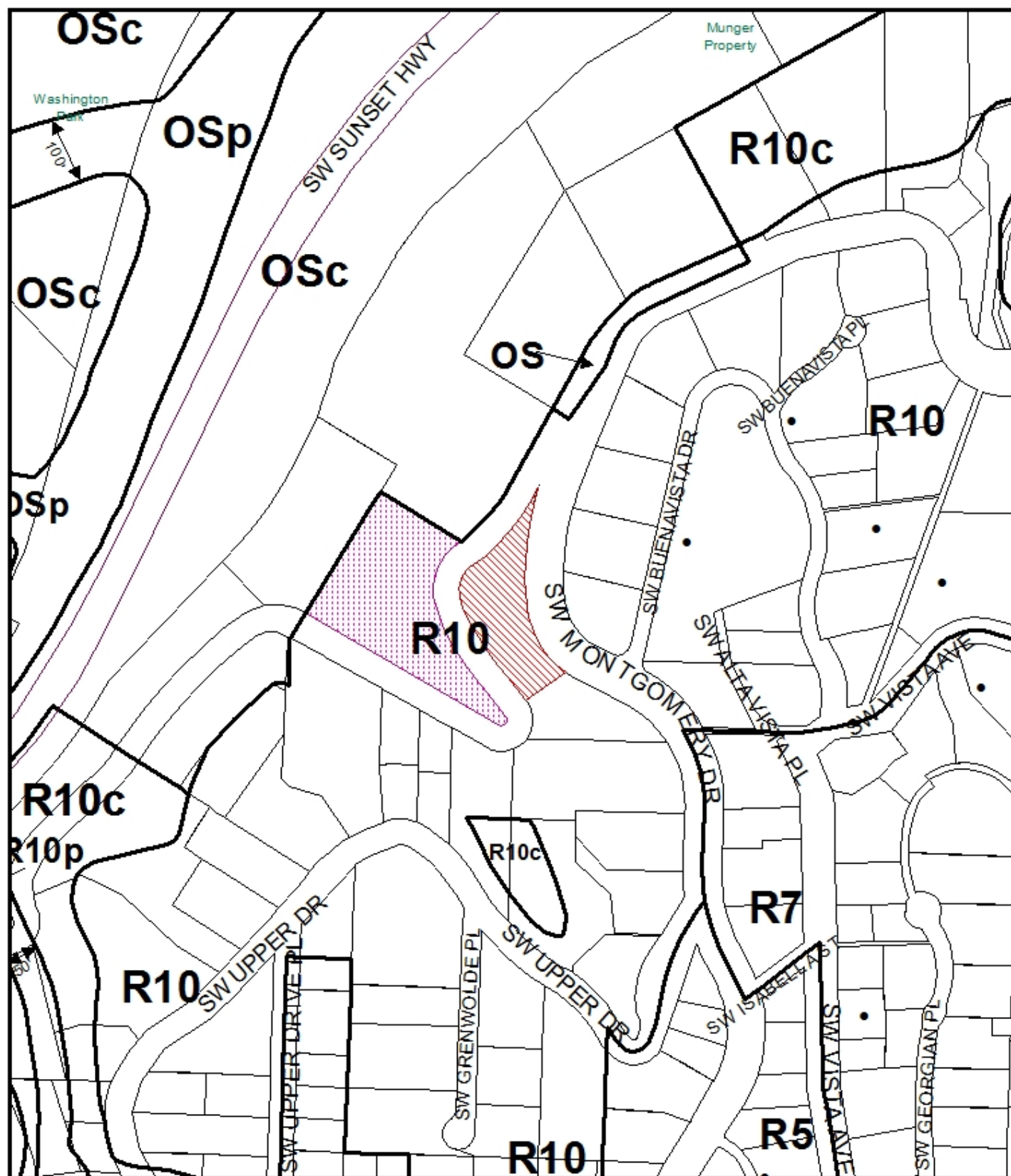
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. South Elevation Drawing (attached)
 - 3. West Elevation Drawing (attached)
 - 4. East and North Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
 - 2. Fire Prevention Division of BDS
 - 3. Bureau of Environmental Services
 - 4. Bureau of Transportation Engineering and Development Review
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application and Receipt
 - 2. Incomplete letter from staff to applicant, sent September 29, 2016

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).



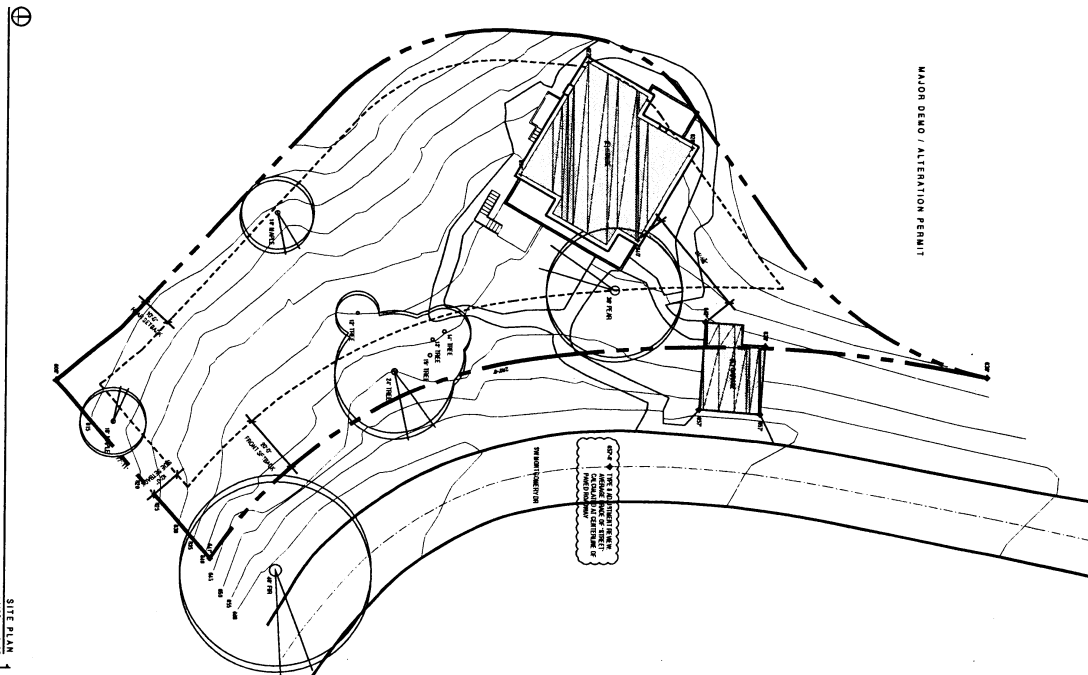
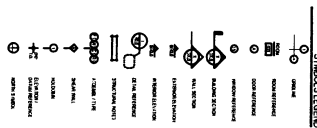
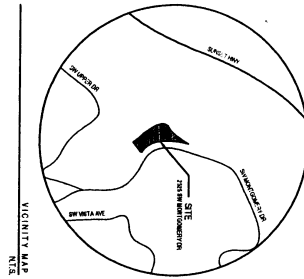
ZONING



- Site
- Also Owned Parcels
- Historic Landmark

File No.	LU 16-242862 AD
1/4 Section	3226
Scale	1 inch = 200 feet
State_Id	1S1E05DD 4200
Exhibit	B (Sep 19, 2016)

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



LV 16-242862 AD

CHRISTOPHER JONES & ANGELA COOK-JONES

2025 RELEASE UNDER E.O. 14176

ZONING CODE:

33.110.215

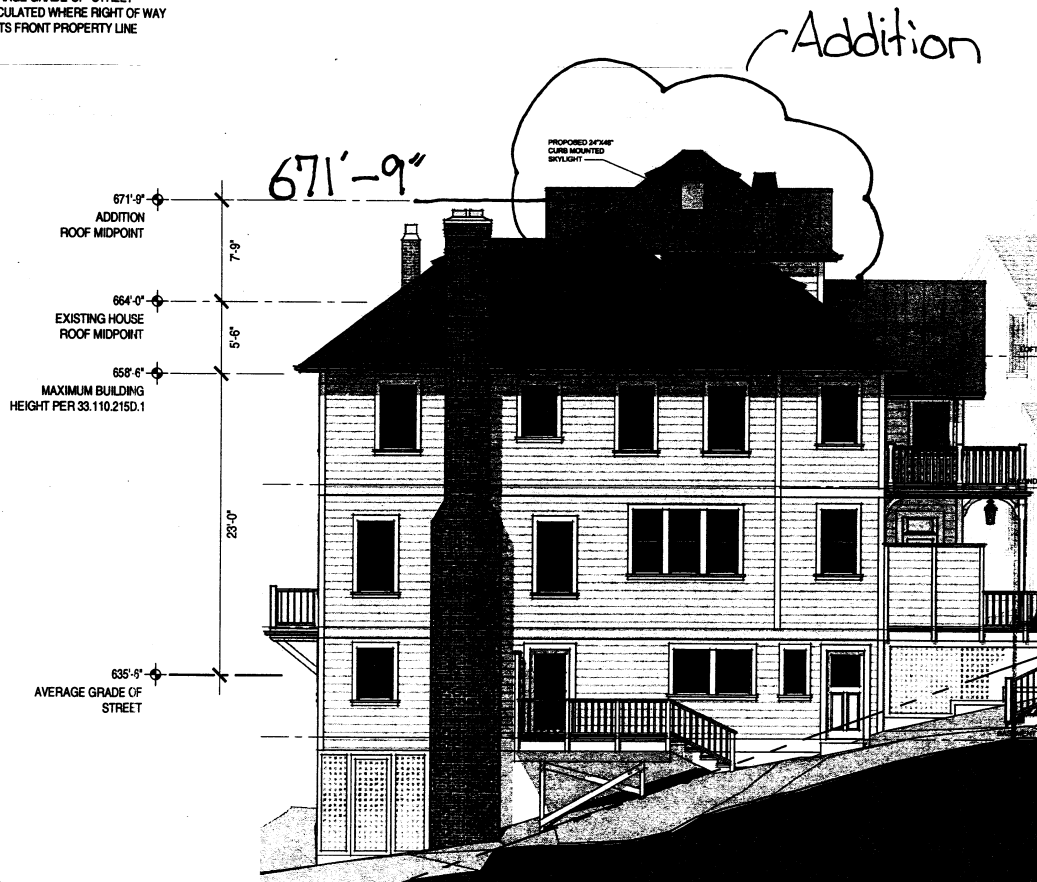
- D. Alternative height limits for steeply sloping lots.
1. Downhill slope from street. On lots that slope downhill from the street with an average slope of 20 percent or greater, the height limit is the higher of either 23 feet above the average grade of the street, or the normal height limit calculated as stated in Chapter 33.930

AVERAGE GRADE OF "STREET"
CALCULATED WHERE RIGHT OF WAY
MEETS FRONT PROPERTY LINE

Adjustment requested to increase the maximum allowed height from 658'-6" to approx. 671'-9" for a 400 sq.ft. addition.

CHRISTOPHER JONES & ANGELA COOK-JONES
ADDITION AND REMODEL

2525 SW MONTMERY DRIVE
PORTLAND OREGON



S2 PROPOSED SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

Approved
City of Portland
Bureau of Development Services
Planner David Besley
Date 11-16-16

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

TYPE II ADJUSTMENT REVIEW
ELEVATION &
ZONING CODE ANALYSIS

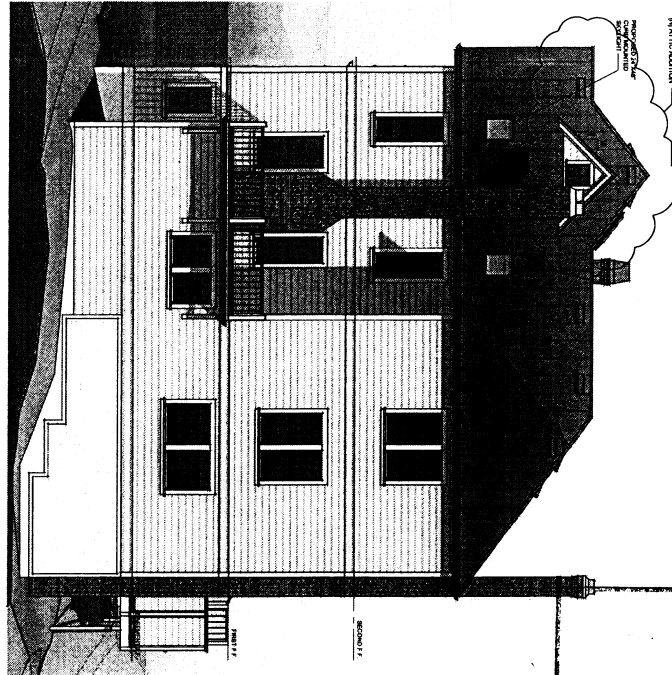
CASE NO. 16-242862 AD
EXHIBIT C-2

TYPE II ADJUSTMENT REVIEW
3/16" = 1'-0" 1

PROJECT NO: 316003
ISSUE: PERMIT SET
DATE: 4/25/16
REVISION:

A3.3

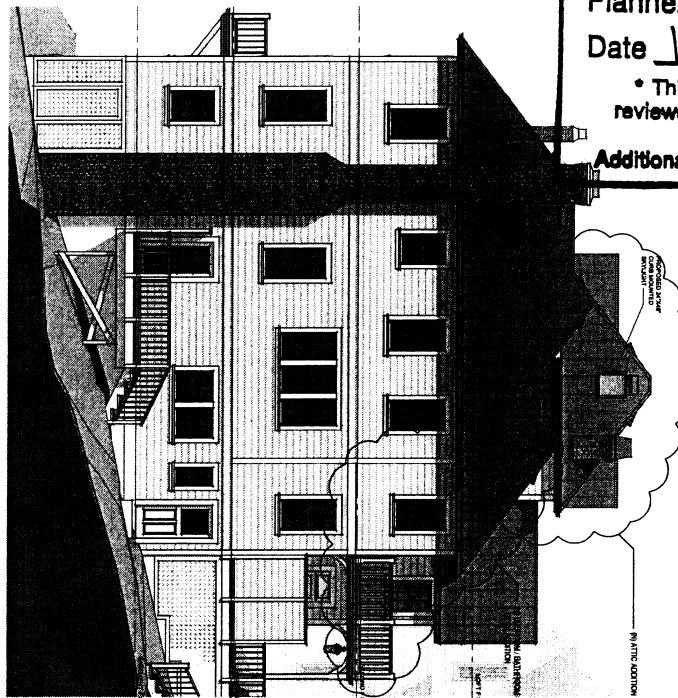
FIRE SAFETY NOTES:
 (N) NON-COMBUSTIBLE STANDING SEAM METAL ROOF
 (N) OFF-SITE FIRE / SMOKE / BURGLAR DETECTION SYSTEM



WEST ELEVATION 2
 1/4" = 1'-0"

Approved
City of Portland
 Bureau of Development Services
 Planner David Basley
 Date 11.16.16

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



SOUTH ELEVATION 2
 1/4" = 1'-0"

CHRISTOPHER JONES & ANGELA COOK-JONES

2025 BY PORTLAND COMMISSIONERS
 PORTLAND, OREGON



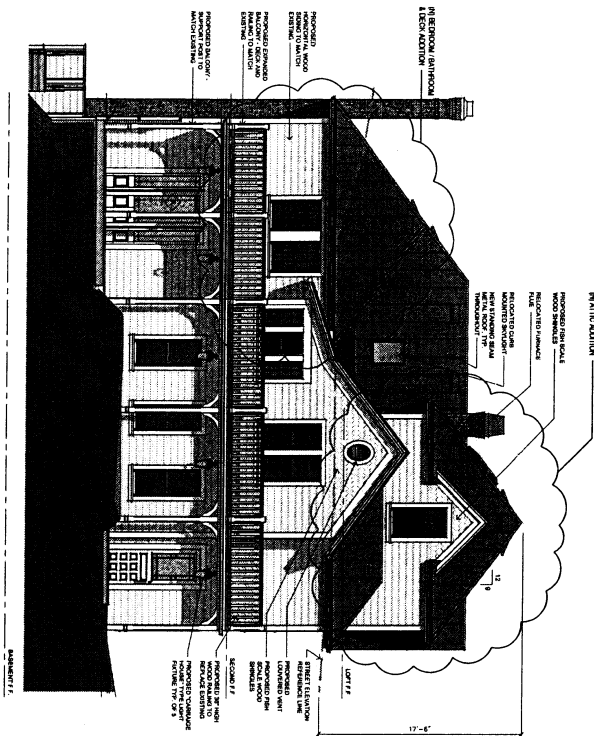
CASE NO. 16-242862 AD
 EXHIBIT C-3

LV 16-242862 AD

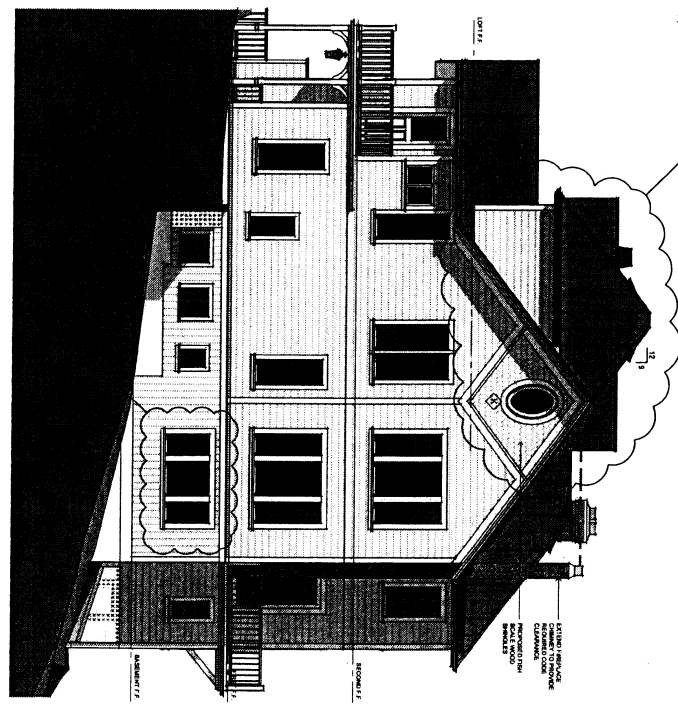


PROJECT NO. 16-242862
 DATE 11/16/16
 BY [signature]
 FOR [signature]

FIRE SAFETY NOTES:
 (N) NON-COMBUSTIBLE STANDING SEAM METAL ROOF
 (N) OFF-SITE FIRE / SMOKE / BURGLAR DETECTION SYSTEM



Approved
City of Portland
 Bureau of Development Services
 Planner David Besley
 Date 11.16.16
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.



CHRISTOPHER JONES & ANGELA COOK-JONES

CASE NO. 16-242867 AD
 EXHIBIT C-4

LU 16-242862 AD