

From: Suzanne.Savin@ci.portland.or.us Savin, Suzanne  
To: integratearch@gmail.com 'integratearch@gmail.com'  
Date: Wed, 9 Apr 2008 09:30:54 -0700  
Subject: Comment letter, LU 08-106691 AD

Hi Phil,

I received this comment letter via email today, so for convenience sake, I am forwarding it to you now for your records. The letter writer makes some points about why, in his view, the adjustment package does not comply with the approval criteria. I would appreciate if you could provide a response to me regarding the letter writer's opposing statements, particularly statements # 2, # 3, and # 4, for inclusion into the record.

thank you,  
Suzanne Savin  
503-823-5888

-----Original Message-----

From: Martin, Charlie [mailto:Charlie.Martin@PacifiCorp.com]  
Sent: Wednesday, April 09, 2008 9:10 AM  
To: Savin, Suzanne  
Subject:

Suzanne,

Below is an e-mail copy of the letter I sent to you regarding requested variances for Land Use Proposal #08-106691:

Charles A. Martin  
1822 SW 18th Ave #5  
Portland, OR 97201

April 9, 2008

Suzanne Savin  
City of Portland Bureau of Development Services  
1900 SW 4th Ave  
Portland, OR 97201

Re: Request for Response to Type II Land Use Proposal #08-106691

Dear Suzanne:

I appreciate the opportunity to comment on the proposal, and wish to convey that while I am not opposed to future multi-family development at this site as allowed by the R1 base zone, I am opposed to the adjustments requested by the applicant.

The adjustment review process, as described in 33.805.010, "provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations" [emphasis added]. In order to approve the adjustment request, the City must find that the applicant has met their burden of proof for approval criteria A. through F. from 33.805.040. In the following Summary of Adjustments/Purposes section, I have summarized the applicant's requests and the purpose statements of the applicable standards, and in the Opposing Statements section, I explain where the applicant has failed to meet the burden of proof of all the approval criteria, and why the requested adjustments should therefore be denied.

#### Summary of Adjustments/Purposes

##### Height (adjustment to Title 33.120.215)

Allowed maximum building heights in the R1 zone are 25 feet within the first 10 feet of the front property line, and 45 feet overall. Title 33.120.215.A says that the height development standards in multi-family zones serve the following 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 of multi-dwelling development in the City's neighborhoods.

The applicant requests an adjustment that would allow him to build a structure with an overall height in excess of 49 feet.

##### Setback for West and North Building Walls (adjustment to Title 33.120.220)

Title 33.120.220.A says that the setback development standards in multi-family zones serve the following purposes:

- ◆ They maintain light, air, separation for fire protection, and access for fire fighting;
- ◆ They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- ◆ They promote a reasonable physical relationship between residences;
- ◆ They promote options for privacy for neighboring properties;

◆ They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;

◆ They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and

◆ Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.

The applicant is requesting an adjustment to allow the proposed structure to be located closer to the property lines on the northern and western boundaries than what would normally be allowed under the R1 base zone.

Building Coverage (adjustment to Title 33.120.225)

Title 33.120.225.A says that the building coverage development standards in multi-family zones serve the following purpose:

The building coverage standards, along with the height and setback standards, limit the overall bulk of structures. They assure that larger buildings will not have a footprint that overwhelms adjacent development. The standards help define the character of the different zones by determining how built-up a neighborhood appears.

#### Opposing Statements

1. The proposed adjustments will result in a development that does not equally or better meet the stated purposes of each development standard. The proposed structure is taller, wider, and takes up more of the lot area than what is allowed under the R1 base zone. The resultant structure, if the height adjustment is approved, will result in an incongruous relationship between the new structure and my condo association's structure immediately next door, which does meet the reduced height restriction in the first 10 feet of our front property line. The applicant must show how the proposed height adjustment equally or better meets the purpose of the height standard, including how a reasonable building scale is being achieved when he is asking not only to exceed the height limit in the first 10 feet, but the overall height limit, as well.

2. My property includes a much smaller developed footprint relative to our total lot area, and achieved a high degree of preservation of the wooded slope on the eastern side of our lot, whereas what the applicant is proposing will require much of the material on his lot to be removed in order to accommodate large retaining walls on the eastern and southern sides. In combination with the requested exceedance in building height, I believe that the resultant structure will overwhelm adjacent development at the street level. The applicant hasn't shown how allowing a structure that is taller and bulkier than anything else on SW 18th Ave will equally or better meet the reasonable building scale and relationship standard for height, or the overall bulk standard for building coverage. I feel a structure that meets the height limits and that only covers 60% of the lot will more closely match the more town home-type residential characteristic of the neighborhood, considering both our residences and the neighboring residences to the east on SW Montgomery Drive. Though the Cable Village

Apartments across SW 18th Avenue from me are fairly bulky on their lots, those structures were built in the 1990s under different regulations, and should therefore not be used as a template for determining a reasonable building scale for the area. Besides, the applicant's proposed structure would clearly be the tallest structure, from ground level, in the immediate vicinity, even over the Cable Village buildings.

In addition, allowing 82% of the lot to be developed causes me to be extremely concerned about the constructability of the proposed retaining walls, especially considering the very close proximity to the residences to the east that sit atop the steep slope. Though not necessarily relevant to this review, I wish to voice this concern early and in anticipation of the building permit phase of development, especially considering the history I have with the owner of the subject site, John Reilly, who also built our residences not more than 7 years ago. My condo association recently completed a \$2.2 million reconstruction of our buildings' external waterproofing systems and structural components that were compromised due to poor construction by Mr. Reilly. So my faith that he is capable of constructing on an even more challenging site than mine is shaken, to say the least, especially if he is the general contractor for this project as well.

3. The proposed adjustment to the western setback, in combination with the proposed adjustment to the height restriction in the front 10 feet of the property, will detract from the livability of our area. Due to the stepped-back nature of the Association's building, which follows the R1 height requirements, a large portion of our living spaces are concentrated toward the back of our structures. Approving this adjustment and approving the adjustment to the height restrictions in the front 10 feet will cause the upper units in the new development to have a more direct site line into the northern units of our development. This will result in a loss of privacy for our northern-most units, as well as reducing the view to the north that all of our residents expected to enjoy from our terraces when we bought our units. The site does contain a steep slope on its eastern portion, so we can appreciate that a reduction in the western setback may be necessary in order to more feasibly develop the site. However, in concert with the request to maximize the building height in the front 10 feet, the applicant has failed to meet the burden of proof that the proposal will equally or better meet the privacy and building scale purposes of the setback standard; he has failed to indicate how impacts from these adjustments are mitigated; and he has not described how the proposal will not significantly detract from the livability of our residential area. In summary, the proposed development is not consistent with the development standard purposes of the R1 zone.

4. The general purpose statement for the multi-family zones explains that "the development standards are generally written for development on flat, regularly shaped lots" and that "other situations are addressed through special standards or exceptions" (33.120.010.B). I realize that the subject site poses development challenges to the applicant due to its topography, no matter the outcome of this review. However, the existing site conditions do not preclude the applicant from meeting all of the relevant approval criteria. And while the setback adjustments alone may be warranted in order to help alleviate inherent topographic constraints, the cumulative effect of all four requested adjustments would be the tallest, bulkiest structure in the immediate area, with no apparent mitigation for such an overwhelming structure. The effect of a 5-story residential

structure with no stepped-back height, and situated very close to lot lines, is more consistent with structures in the RH base zone, such as the apartment structures in the vicinity of SW 14th Avenue and Clay Streets. Though the subject site is adjacent to areas zoned RH, it is important to make the distinction that it is not in the RH zone, and should therefore not be allowed to contain a structure with RH characteristics.

5. I am not opposed to the requested setback adjustment to the northern property line, since this adjustment does not appear to affect neighboring residences due to the ODOT/Hwy 26 right-of-way that shares the site's northern boundary.

In conclusion, I wish to re-iterate that I am not opposed to future development at this site. However, based on the arguments presented above, I do not feel the applicant has met the burden of proof for the relevant approval criteria, and therefore the requested adjustments to height, western setback, and building coverage should be denied.

Thank you for your consideration in this matter.

Sincerely,

Charles A. Martin

charlie.martin@pacificorp.com <mailto:charlie.martin@pacificorp.com>  
503-813-5995 phone  
503-813-6890 fax

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