



CITY OF
PORTLAND, OREGON

FIRE PREVENTION DIVISION

Tom Potter, Mayor, City of Portland
Dave Sprando, Fire Chief
John Klum, Fire Marshal
55 SW Ash Street
Portland, Oregon 97204-3590
(503) 823-3700
Fax (503) 823-7425

LAND USE REVIEW RESPONSE

TO: Suzanne Savin, City of Portland, Land Use Review
FROM: Dawn Krantz, Portland Fire Bureau 503-823-3718
DATE: April 15, 2008
SUBJECT: LU 08-106691 AD
SITE LOCATION:

The following conditions of approval and informational comments are based on the land use review information provided to the Fire Bureau. Fire Bureau requirements are generated from the International Fire Code, the 2007 Oregon Fire Code and Title 31. All current Fire Code requirements apply and are required to be met. If these conditions cannot be met, an appeal providing an alternative method is an option for the applicant. If the applicant chooses to appeal a requirement, the appeal must be listed as a condition in the decision. Fire Code Appeals can be obtained at the Fire Bureau web page, www.portlandonline.com. The comment section of this document is intended for informational purposes only.

CONDITIONS OF APPROVAL AT TIME OF DEVELOPMENT

A FIRE HYDRANT MAY BE REQUIRED, IF SO, IT MUST BE PURCHASED FROM THE WATER BUREAU

The applicant is required to provide a fire hydrant within 150 feet of the FDC for the new building. The applicant should verify existing fire hydrants and work with the Water Bureau to purchase any required fire hydrants.

WILDLAND FIRE HAZARD FIRE FLOW - required fire flow from fire hydrants that provide service to the new structure

The fire flow requirement for buildings less than 3600 sq feet that are located within the Wildland Fire Hazard designation is 1750 gpm at 20 psi. **Oregon Fire Code Metro Guide**. For buildings that are greater than 3600 sq feet, see Appendix B, Table B105.1

ACCESS FOR BUILDINGS 30 FEET OR THREE STORIES IN HEIGHT/COMMERCIAL/INDUSTRIAL

Building or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure. Where two roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. **Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.**

AERIAL FIRE DEPARTMENT ACCESS ROADS

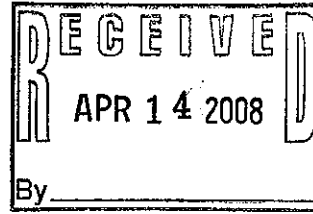
Buildings or portions of buildings exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

Width: Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height. Aerial fire apparatus road width may be reduced to not less than 20 feet (no parking allowed) when the building being served is fully sprinklered and access to the building face is from at least 2 directions. The sprinkler system shall be of a greater design than the minimum specified by the OSSC.

Proximity: At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.

Exception: Proximity requirements shall not apply when the building is sprinklered in conformance with FPA 13 and a roof hatch is provided in all stairways that extend to the top floor. Hatch to be a minimum 16 sq ft with a minimum opening dimension of 2 feet.

April 8, 2008



Suzanne Savin, Land Use Services
City of Portland
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201

Re:Case File Number: **LU 08-106691 AD**

The undersigned property owners are registering serious disagreement with the proposed construction by applicants William J. Hawkins III and Phil Sydnor for construction of a 4-unit structure adjacent to or near their property. After reviewing the proposal, we see at least three reasons it should not be allowed.

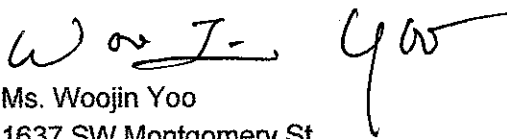
First, the construction is based on several zone adjustments. Particularly because of the height adjustment asked for, our **privacy** would be compromised. The east side of the building would have windows which would look into our homes.

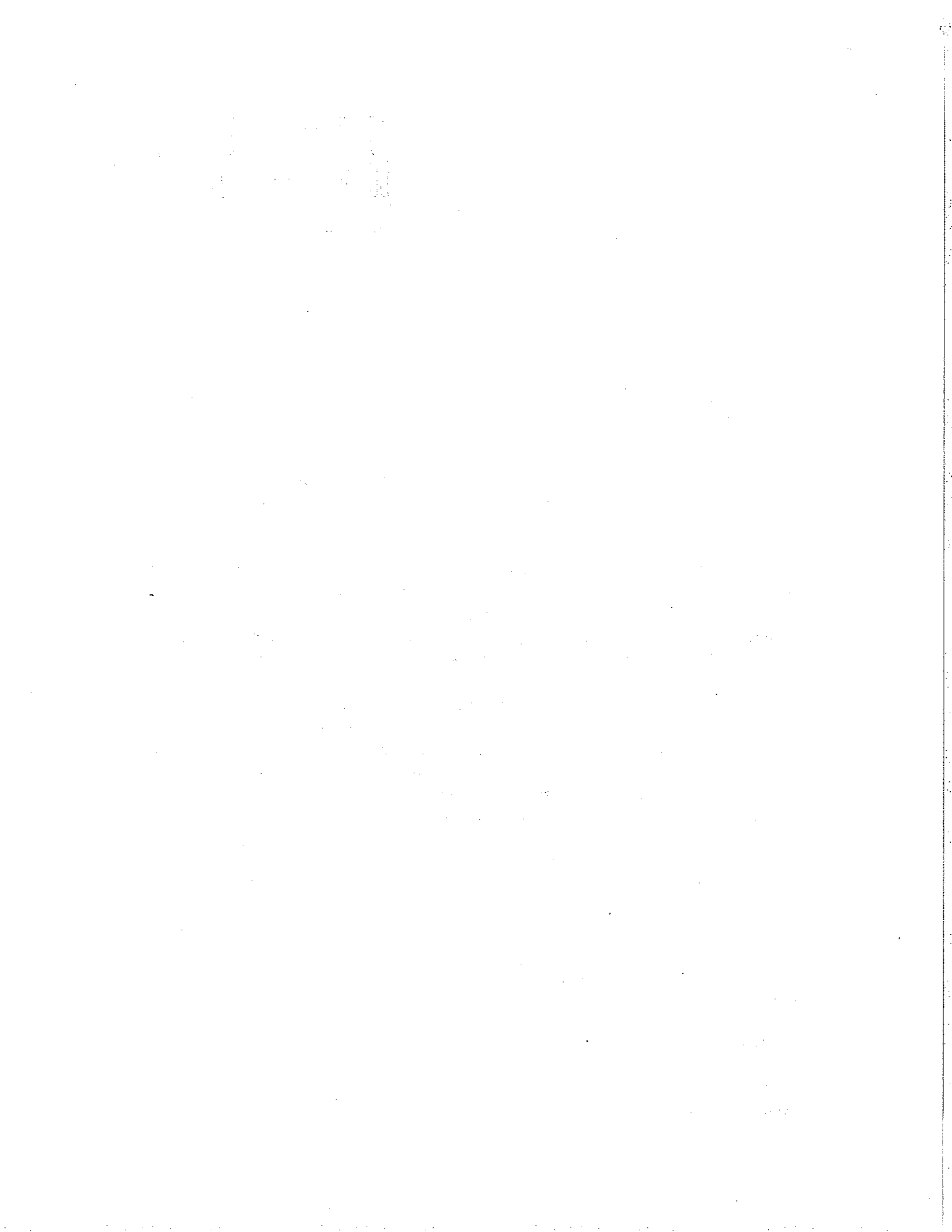
Second, the hillside into which the building would be constructed is needed for **stability and erosion protection**. The removal of trees, shrubs, and a good part of the hillside would endanger other property owned above. The builder[s] previous failure on the adjacent property casts doubt on his ability to properly manage this without jeopardy to the hillside. Again, the 82% building coverage and height adjustments greatly increase these risks.

Third, **zone codes** are developed to protect others living in the area and are carefully considered before adoption. The new building would be within a few feet of a bike and walking path used by many students of PSU and other commuters. By allowing compromises to these codes, not only for height, but for setbacks along the West and North and for building coverage, we compromise standards carefully made for livability, safety, and aesthetic reasons. This structure as proposed is not in keeping with the character of our neighborhood.

Please consider carefully the above arguments against construction as proposed. Also, please notify us when we could be present at the meeting at which this is discussed and/or decided.

Thank you,

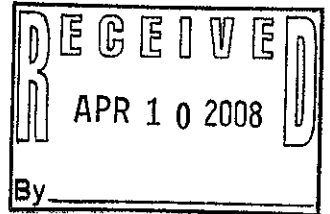

Ms. Woojin Yoo
1637 SW Montgomery St
Portland, OR 97201
503)381-5331(C)
jinyoo2004@yahoo.com



Roland Cooke
1627 SW Montgomery
Portland, OR 97201

4-7-08

Suzanne Savin, Land Use Services
City of Portland
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201



Re:Case File Number: LU 08-106691 AD

I am writing to register serious disagreement with the proposed construction by applicants William J. Hawkins III and Phil Sydnor for construction of a 4-unit structure adjacent to or near their property. I have several reasons it should not be allowed.

First, no zoning codes should be adjusted for this project. The city puts these together and we as owners and purchasers of surrounding property review these codes when purchasing our property to make sure we are protected from undesirable future construction.

Secondly, no variances should be made for any project in this area. We need to maintain boundaries with the walking and bike path for enjoyment of the public and ensure open space is maintained. We should also ensure that adjacent property owners are not impacted beyond the boundary and height issues that they bought into with current building, planning and zoning parameters.

Finally, the developer has been sued for poor construction and planning. We do not want poor quality potentially dangerous structures up against such a sensitive hill side.

Please consider carefully the above arguments against construction as proposed.

Thank you,

Roland Cooke

A handwritten signature in black ink, appearing to read "Roland Cooke".

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RECEIVED

APR 07 2008

BY: _____

Betty Dagg
1633 SW Montgomery
Portland, Oregon 97201
503-916-1330
bdagg@hevanet.com

Suzanne Savin, Land Use Services
City of Portland
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201

Re:Case File Number: **LU 08-106691 AD**

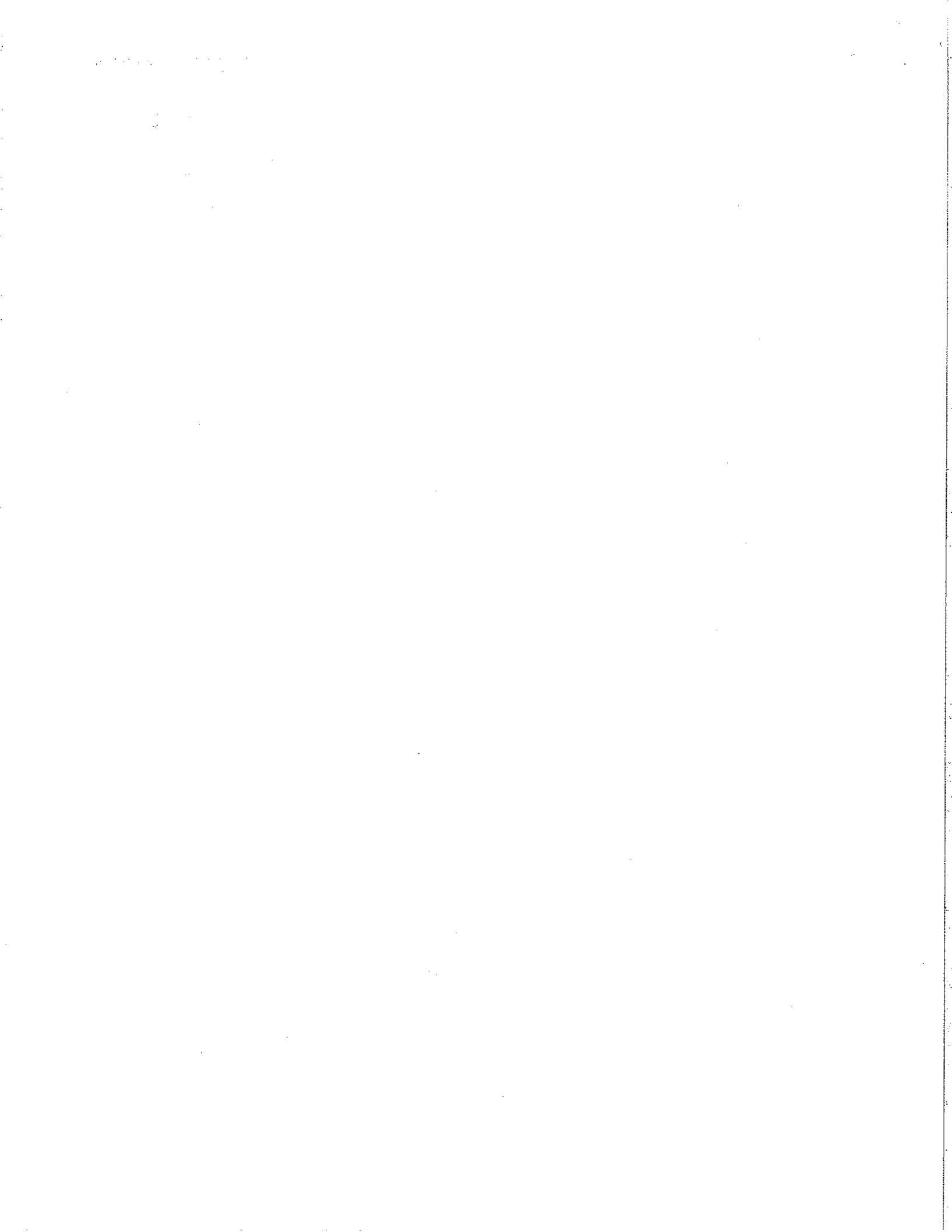
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Second, the hillside into which the building would be constructed is needed for **stability and erosion protection**. The removal of trees, shrubs, and a good part of the hillside would endanger other property owned above. The builder's previous failure on the adjacent property casts doubt on his ability to properly manage this without jeopardy to the hillside. Again, the 82% building coverage and height adjustments greatly increase these risks.

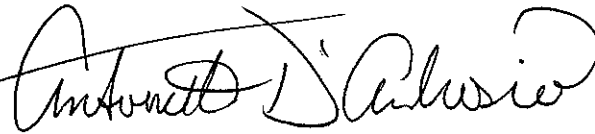
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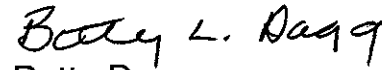

Michael Hartman
1643 SW Montgomery St.
503-245-4599




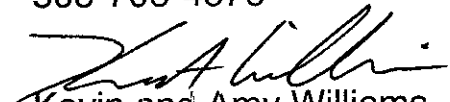
David Ibsen 
1641 SW Montgomery St.
503-221-9955

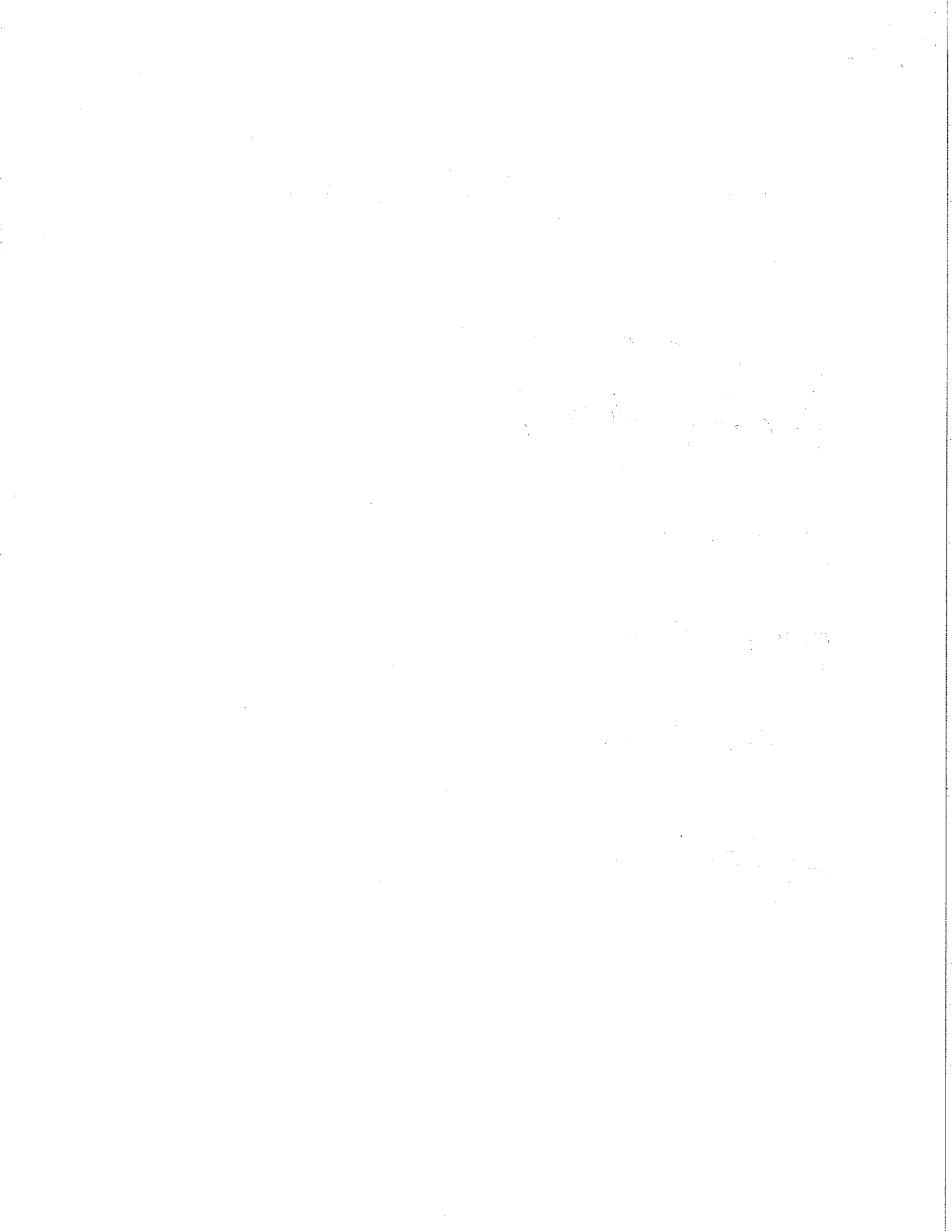

Niki and Jeff Ganong
1639 SW Montgomery St.
503-227-8401


Darla Halley
1635 SW Montgomery St.
503-830-1052


Betty Dagg
1633 SW Montgomery St.
503-916-1330


David Feinstein
1631 SW Montgomery St.
503-706-4676


Kevin and Amy Williams
1629 SW Montgomery St.
503-224-1504





City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: March 24, 2008
To: Interested Person
From: Suzanne Savin, Land Use Services
503-823-5888 / Suzanne.Savin@ci.portland.or.us

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on April 14, 2008.** Please mail or deliver your comments to the address above, and include the Case File Number, LU 08-106691 AD, in your letter. It also is helpful to address your letter to me, Suzanne Savin.

CASE FILE NUMBER: LU 08-106691 AD

Applicants: William J. Hawkins III
William J. Hawkins III, Architect
1425 SW 20th Ave
Portland, OR 97201

Phil Sydnor
Integrate
1715 N Terry St
Portland, OR 97217

Owner: John Reilly
3233 NE Thomas St
Portland, OR 97212-4911

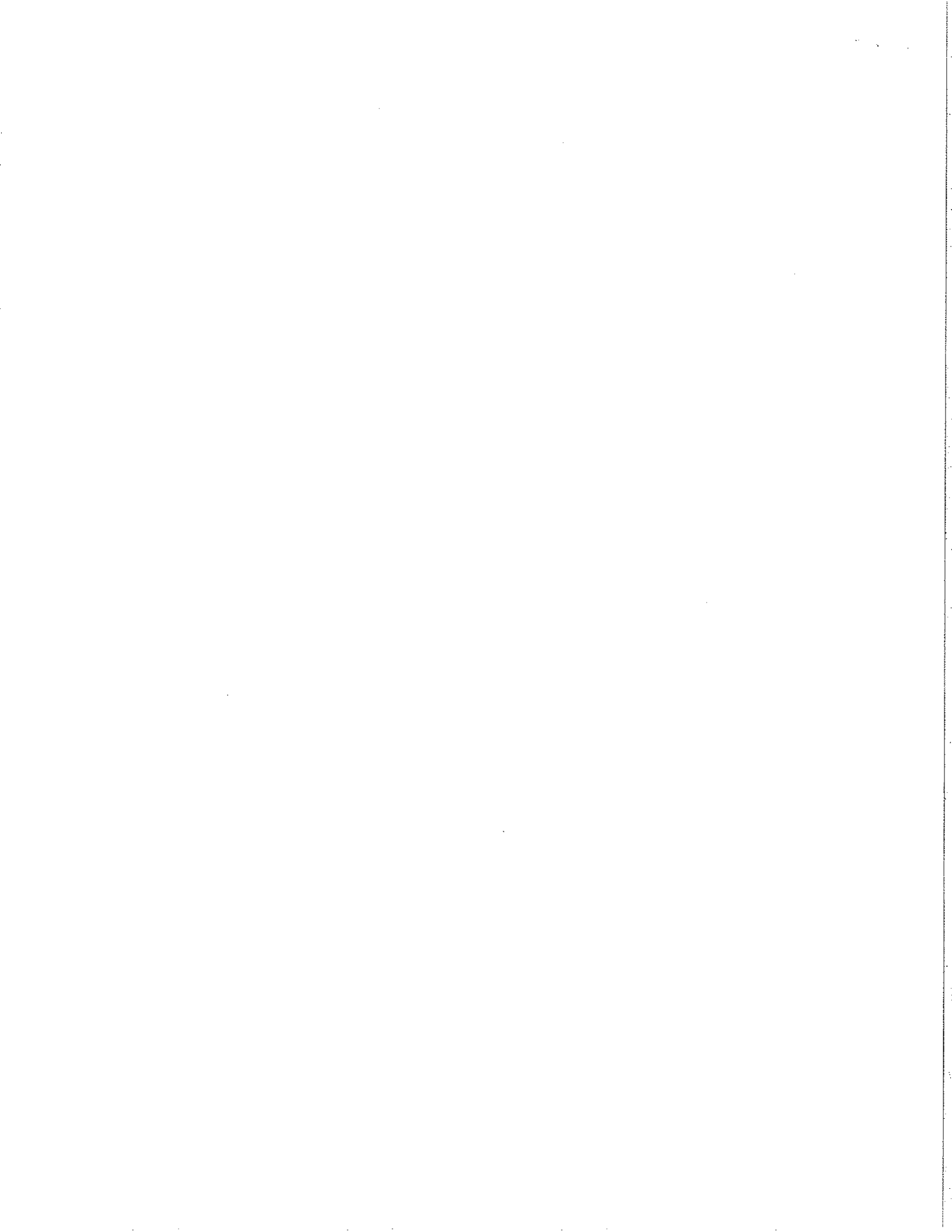
Site Address: No address assigned. Site is on the west side of SW 18th Avenue, south of Highway 26.

Legal Description: BLOCK C W 57 1/2' OF S 100' OF LOT 26, CARTERS ADD TO P
Tax Account No.: R140407580
State ID No.: 1S1E04BD 12800
Quarter Section: 3127

Neighborhood: Goose Hollow, contact Jerry Powell at 503-222-7173. → INCORRECT #
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
DOESN'T RESPOND

Plan District: None

Zoning: R1 (Multi-Dwelling Residential 1,000)



Savin, Suzanne

Dear Ms. Savin,

Attached please find the St. Andrew's Homeowners Association Opposition letter for Type II Land Use Proposal #08-106691.

A hard copy will be mailed to you this afternoon.

Kind regards,
Rebecca Felch
Assistant to Chris Coleman
President, St. Andrew's Homeowners Association

Rebecca Felch Executive Assistant		
128 NW Eleventh Avenue Portland, Oregon 97209		
tel 503 503-445- 3728	fax 503 503-445- 3801	www.pcs.org rebeccaf@pcs.org

**PORTLAND
CENTER
STAGE**



April 11, 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 am writing to you on behalf of the St. Andrew's Condominiums Homeowners Association ("the Association"), which is comprised collectively of the 11 homeowners of the property adjacent to, and immediately south of, the site under review.

We appreciate the opportunity to comment on the proposal, and wish to convey that while we are not opposed to future multi-family development at this site as allowed by the R1 base zone, we are opposed to the adjustments requested by the applicant. In addition: our prior experience with the Developer (John Reilly) on construction of our units was extraordinarily poor. Structural errors in the construction of St. Andrews condominiums (which John Reilly built) were significant enough to require complete rehabilitation of the building's façade, stairwells and decks. Litigation filed against Mr. Reilly in the matter resulted in a \$1.65 million judgment in the homeowner's favor. Mr. Reilly's failure to meet a significant number of the city's code requirements on our project, dramatically raise our concerns about his ability to meet those requirements on the project under consideration.

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, the Association summarizes the applicant's requests and the purpose statements of the applicable standards, and in the Opposing Statements section, we 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 the 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. The Association's 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, the Association believes 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. We feel a structure that meets the height limits and that only covers 60% of the lot will more closely match the more townhome-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 us 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 the Association 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, the Association wishes to voice this concern early and in anticipation of the building permit phase of development, especially considering the history we have with the owner of the subject site, John Reilly, who also built our residences not more than 7 years ago. We recently completed a \$2 million reconstruction of our buildings' external waterproofing systems and structural components that were compromised due to poor construction by Mr. Reilly. So our faith that he is capable of constructing on an even more challenging site than ours 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). The Association realizes 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. The Association does not oppose 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.

April 11, 2008

In conclusion, the Association wishes to re-iterate that we are not opposed to future development at this site. However, based on the arguments presented above, we 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,

Chris Coleman, President
St. Andrew's Homeowners Association

cc: Commissioner Sam Adams
Jesse Beason