



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 28, 2014  
**To:** Interested Person  
**From:** Andrew Gulizia, Land Use Services  
503-823-7010 / [Andrew.Gulizia@portlandoregon.gov](mailto:Andrew.Gulizia@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 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 14-118556 AD**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Eric Rystadt / Main Street Development, Inc. / PMB# 208  
5331 SW Macadam Ave., Suite 258 / Portland, OR 97239  
(503) 422-7707

**Site Address:** 2982 NW Santanita Terrace

**Legal Description:** BLOCK 2 LOT 3, KINGS HTS & RPLT **Tax Account No.:**  
R452000250

**State ID No.:** 1N1E32DB 14401 **Quarter Section:** 3026

**Neighborhood:** Hillside, contact Peter Stark at 503-274-4331.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Zoning:** R7c – Single-Dwelling Residential 7,000 with Environmental Conservation overlay zone

**Case Type:** AD – Adjustment Review

**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

#### **Proposal:**

The applicant is constructing a new single-dwelling residence on this site. On lots such as this one, which slope downhill from the street 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 original approved plans showed a hipped roof that met the building height standard because under Section 33.930.050.A, height for hipped roofs is measured to the midpoint of the roof. Subsequently, the applicant submitted revised plans for a shed roof that must be measured to the highest point of the roof. Therefore, although the actual height above the street grade is not proposed to change, because of the change in methodology the revised plans require approval of an Adjustment to the building height standard. The highest point of the roof in the revised plans is 28 feet above the street pavement grade and 31 feet above the average elevation of the front property corners.

#### **Relevant Approval Criteria:**

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

## ANALYSIS

**Site and Vicinity:** The site is a 4,250 square-foot lot located on the south side of NW Santanita Terrace, between NW Hermosa Boulevard and NW Macleay Boulevard. The site slopes steeply downhill from NW Santanita Terrace. A new single-dwelling house is under construction on the site. Most neighboring lots are also developed with single-dwelling houses, though several nearby lots are vacant.

**Zoning:** The R7 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.

A portion of the site is within the Environmental Conservation ("c") overlay zone. The "c" overlay zone is intended to conserve important environmental features and resources while still allowing compatible development. However, the associated regulations do not affect the Adjustment request.

**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 March 3, 2014. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services;
- Water Bureau;
- Site Development Section of BDS; and
- Life Safety 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 Notice of Proposal.

## 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.*

As mentioned previously, the applicant has altered the roof design of the new house from the originally-approved hipped roof to a shed roof. The Adjustment is necessary only because pursuant to Zoning Code Section 33.930.050.A, for zoning compliance purposes the height of a shed roof is measured to the highest point of the roof while the height of a

hipped roof is measured to the midpoint of the roof. The *actual* building height above the ground is not proposed to change from what was approved in the original building permit.

The new house, which complies with the setback requirements of the R7 zone, is three stories in height in the back and two stories in front along NW Santanita Terrace. As many homes in the vicinity have similar massing, the proposal reflects the general building scale and placement of houses in the neighborhood. Although there are clerestory windows near the top of the shed roof, these windows do not open up views into any other house or property. Therefore, the proposal does not negatively impact privacy or the relationship of this residence to any other.

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 site is in a wooded hillside neighborhood with a variety of architectural styles. The change from a hipped roof to a shed roof design does not materially impact the livability or appearance of the neighborhood. Also, as discussed above, the proposal does not negatively impact neighbors' privacy. 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 has no adverse impacts on the livability or appearance of the surrounding residential area. As there are no identified adverse impacts for which mitigation would be required, this criterion is not applicable.

- 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). Although a portion of the site contains a "c" overlay, the Adjustment proposal relates only to the roof design for a house already approved for construction. Since no new ground disturbance is proposed as part of this application, this criterion is met.

## 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.

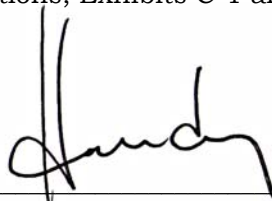
## CONCLUSIONS

The proposal to increase the maximum building height for a shed roof 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 from 23 feet to 31 feet (Zoning Code Section 33.110.215.D.1) per the approved site plan and building elevations, Exhibits C-1 and C-2, signed and dated March 26, 2014.

**Staff Planner: Andrew Gulizia**



**Decision rendered by:** \_\_\_\_\_ **on March 26, 2014.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 28, 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 21, 2014, and was determined to be complete on February 26, 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 21, 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 extended by the applicant, **the 120 days will expire on: June 26, 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 11, 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](http://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 14, 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.

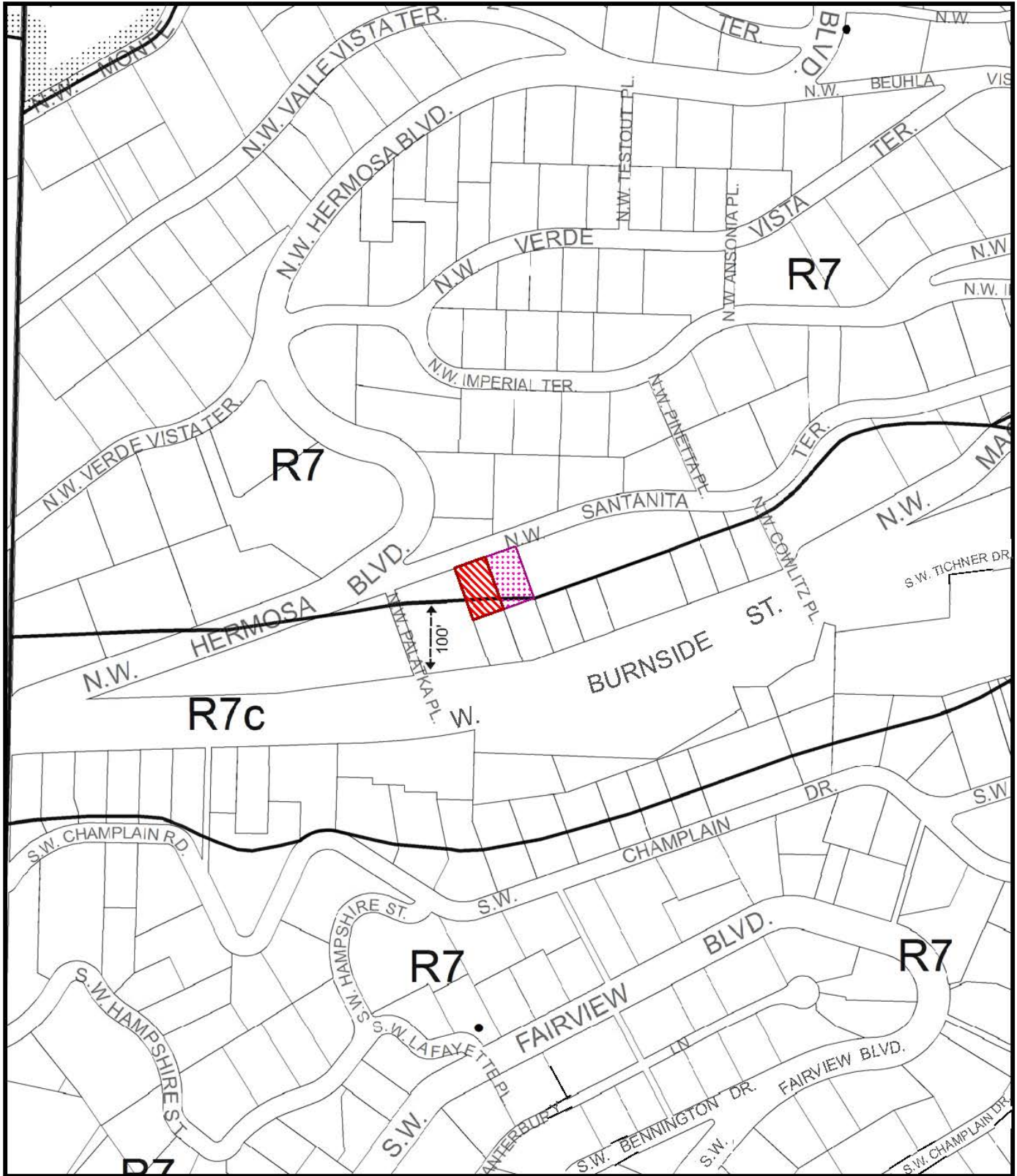
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site plan (attached)
  - 2. Building elevations (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Water Bureau
  - 3. Site Development Review Section of BDS
  - 4. Life Safety Review Section of BDS
- F. Correspondence – none received
- 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
-  Also Owned

-  Historic Landmark



NORTH

File No. LU 14-118556 AD  
 1/4 Section 3026  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E32DB 14401  
 Exhibit B (Feb 24, 2014)

# 2011 OREGON RESIDENTIAL SPECIALTY CODE GENERAL NOTES AND SUPPLEMENTAL INFORMATION

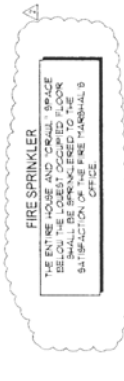
- It is the responsibility of the contractor to comply with these requirements during construction.
- Where there is a conflict between a general note and the plans, the more restrictive shall apply.
- Refer to additional notes and details throughout the plans for further information not covered under general notes on this sheet.
- Some notes may not be applicable to this project.

### OREGON LODI STANDARDS

- 2011 Oregon Residential Specialty Code (ORSC) based on the 2009 IRC with the type of Oregon amendments.
- 2010 Oregon Structural Specialty Code (OSSC) based on the 2009 ISCC with the type of Oregon amendments.
- 2010 Oregon Energy Efficiency Specialty Code (OEEESC) based on the 2009 IECC with the type of Oregon amendments.
- 2010 Oregon Plumbing Specialty Code (OPSC) based on the 2009 UPC with the type of Oregon amendments.

### Additional Single Dates for Mechanical, Electrical and Marine Codes:

- Mechanical: ASHRAE 90.1-2005
- Electrical: NEC-2008
- Marine: NFPA 310-2005

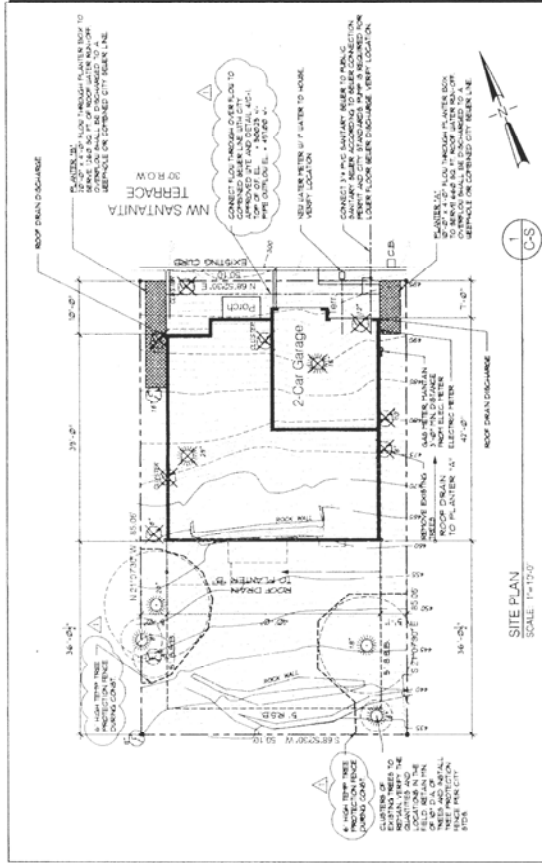


### NOTES:

- CONTRACTOR TO VERIFY EXACT LOCATION OF UTILITY STRIKES. NO BUILDING UP IN 3' OF PROTECTIVE LINE, EXCEPT AS NOTED ON THE SITE PLAN AND IN THE CASE REQUIRES WORKING UNDERGROUND.
- VERIFY FLOOR ELEVATION PRIOR TO FOUNDATION.

### LEGENDS:

- 1. SITE CONSISTS OF INTERFERING GROUNDS, THEREFORE REQUIRED BY THE CITY OF PORTLAND TO VERIFY THE TYPE AND LOCATION.
- 2. FRONT BUILDING SETBACK.
- 3. CONCRETE YARD SETBACK.
- 4. SIDE YARD SETBACK.
- 5. REAR YARD SETBACK.



- Prescriptive Wall Bracing
- Required Prescriptive Envelope Measure
- Engineered Lateral Design
- Foundation Walls over 4'-0"

**OWNER(S)**  
WAIN STREET DEVELOPMENT, LLC  
P.O. BOX 1006  
PORTLAND, OR 97208  
TEL: 503-227-7707

**PROJECT ADDRESS AND LEGAL**  
NW SANTAITA TERRACE  
PORTLAND, OR 97210

**ARCHITECT/DESIGNER**  
HABIT DESIGN  
8701 NW HOLMES STREET  
PORTLAND, OR 97217  
TEL: 503-266-9292

**STRUCTURAL ENGINEER**  
HABIT DESIGN  
8701 NW HOLMES STREET  
PORTLAND, OR 97217  
TEL: 503-266-9292

**GENERAL CONTRACTOR**  
CONSTRUCTION INC.  
P.O. BOX 5708  
3200 SW MARKET ST. #17  
PORTLAND, OR 97219  
TEL: 503-246-8481

ZONING REQUIREMENTS		PROPOSED	
MIN. SINGLE-FAMILY DWELLING DISTRICT	4200 S.E.	SITE AREA	4200 S.E.
FRONT YARD SETBACK	10'-0"	LIVING AREA	1500 S.F.
REAR YARD SETBACK	10'-0"	MAIN FLOOR	1200 S.F.
SIDE YARD SETBACK	5'-0"	LOWER FLOOR	800 S.F.
MIN. FRONT SETBACK	5'-0"	TOTAL FLOOR AREA	3800 S.F.
MIN. REAR SETBACK	5'-0"	FLOOR AREA	2800 S.F.
MIN. SIDE SETBACK	5'-0"	ROOF AREA	2000 S.F.
MIN. FRONT SETBACK	5'-0"	ROOF AREA	2000 S.F.
MIN. REAR SETBACK	5'-0"	ROOF AREA	2000 S.F.
MIN. SIDE SETBACK	5'-0"	ROOF AREA	2000 S.F.
MIN. FRONT SETBACK	5'-0"	ROOF AREA	2000 S.F.
MIN. REAR SETBACK	5'-0"	ROOF AREA	2000 S.F.
MIN. SIDE SETBACK	5'-0"	ROOF AREA	2000 S.F.

**Plan 3662-A**  
Two Story Plus  
Basement

Sheet No. = 001/01  
Date = 10/30/2013  
Main File = 001/01  
Change File = 001/08  
Change # = 001/08

### DRAWING INDEX

SHEET C-9	PROJECT INFORMATION AND SITE PLAN
SHEET C-1	EROSION CONTROL PLAN
SHEET A-1	FRONT ELEVATION AND ROOF PLAN
SHEET A-2	SIDES AND REAR ELEVATIONS
SHEET A-3	PLAN AND UPPER FLOOR PLANS
SHEET A-4	LOWER LEVEL FLOOR PLAN
SHEET A-5	CROSS SECTIONS
SHEET A-6	CROSS SECTIONS
SHEET A-7	PLAN, UPPER AND ROOF FRAMING PLANS
SHEET A-8	LOWER LEVEL FRAMING PLAN
SHEET DT-1	CONSTRUCTION DETAILS
SHEET DT-2	2011 ORSC GENERAL NOTES
SHEET FD-1	PILE FOUNDATION PLAN
SHEET FD-2	LOWER LEVEL AND MAIN FLOOR FRAMING PLANS
SHEET FD-3	STRUCTURAL ELEVATIONS AND SECTIONS
SHEET FD-4	STRUCTURAL DETAILS
SHEET FD-5	STRUCTURAL DETAILS
SHEET L-1	PLAN AND LOWER LATERAL LAYOUTS
SHEET L-2	UPPER FLOOR LATERAL LAYOUT
SHEET L-3	LATERAL CONNECTION DETAILS

Set No. \_\_\_\_\_

Revisions

1	05/21/10	
2	04/08/10	

Permit No. \_\_\_\_\_

Project Location  
NW Santaita, Ter  
Portland OR 97210

Plan  
Plan 3662-A  
Garage Left  
Date: 10-30-2013

Sheet No.  
C-S

Bin No.  
\_\_\_\_\_

LU 14-118556AD

Exhibit C-1

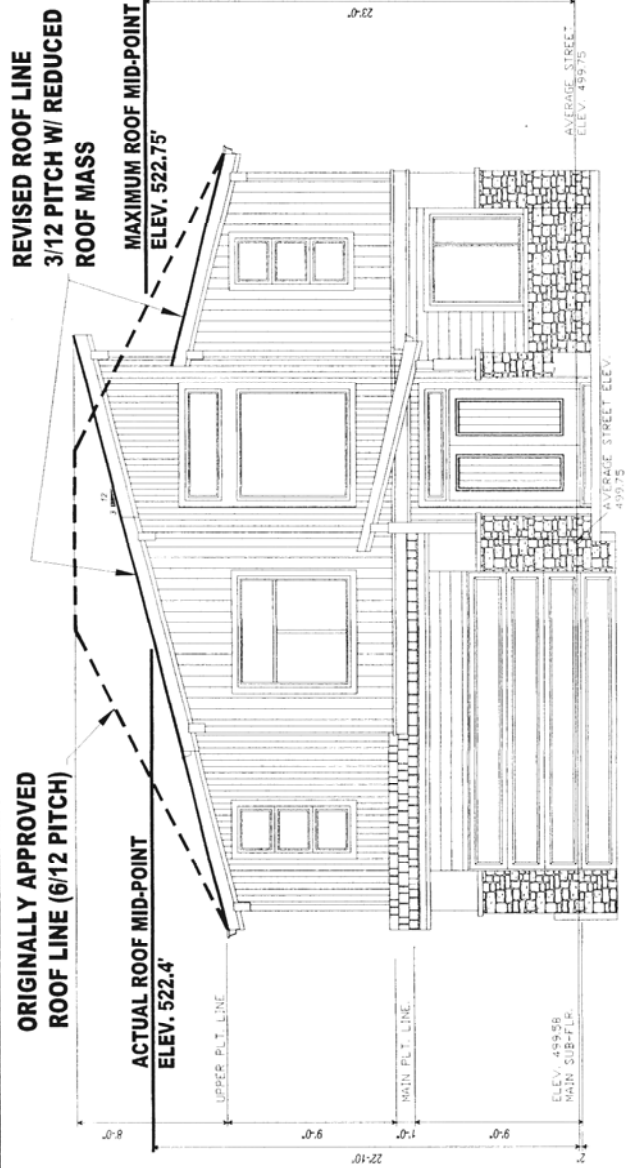
Approved AC Date 12/4/14

Planner \_\_\_\_\_

City of Portland - Bureau of Development Services

\* This approval applies only to the reviews requested and is subject to all conditions of the approval and all applicable laws, codes and ordinances.





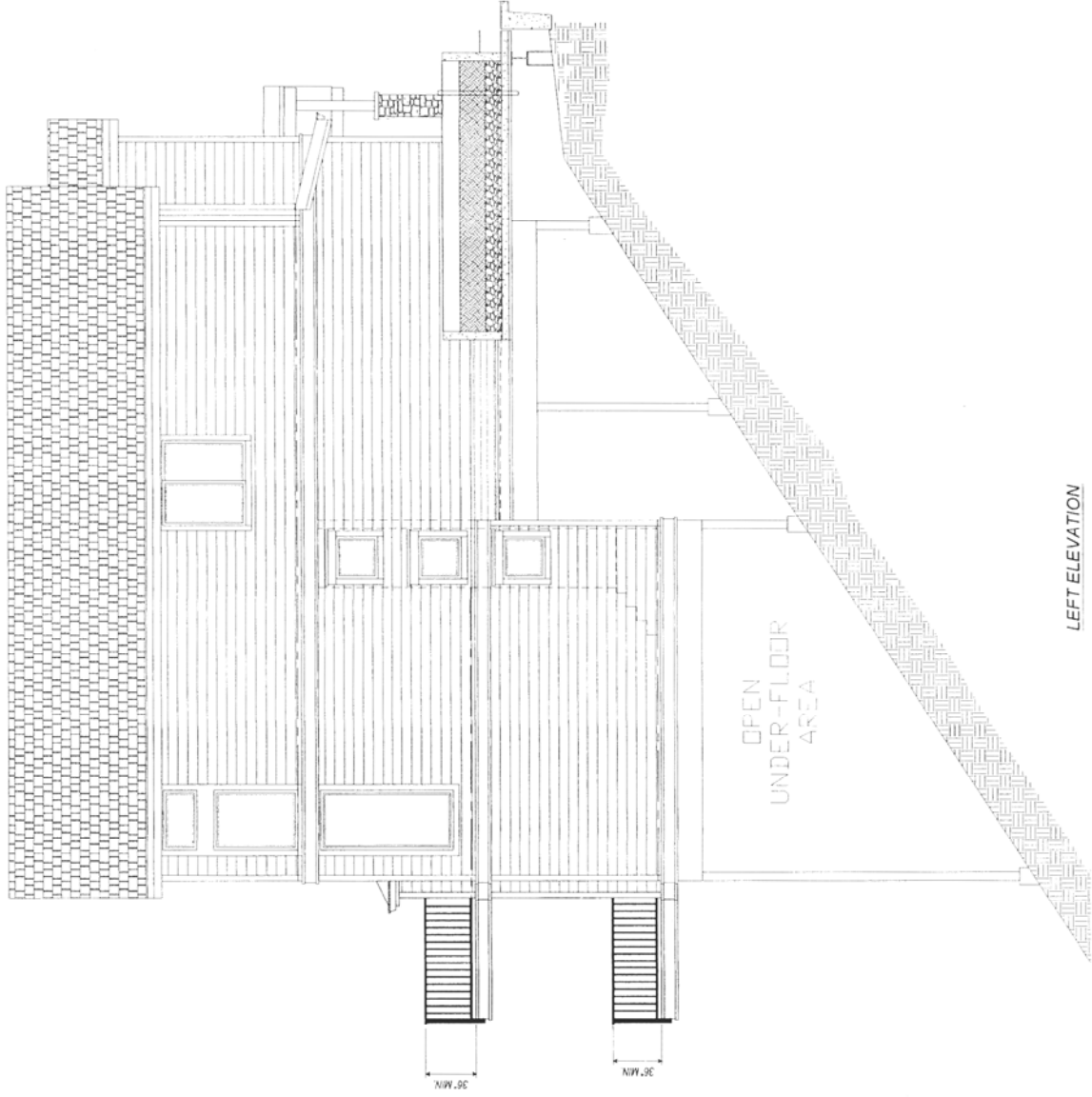
\*Approved\*  
 City of Portland - Bureau of Development Services

Planner AC Date 12/2-6/17

\* This approval applies only to the details reviewed and is subject to all conditions of approval. It does not constitute a warranty.

FRONT ELEVATION

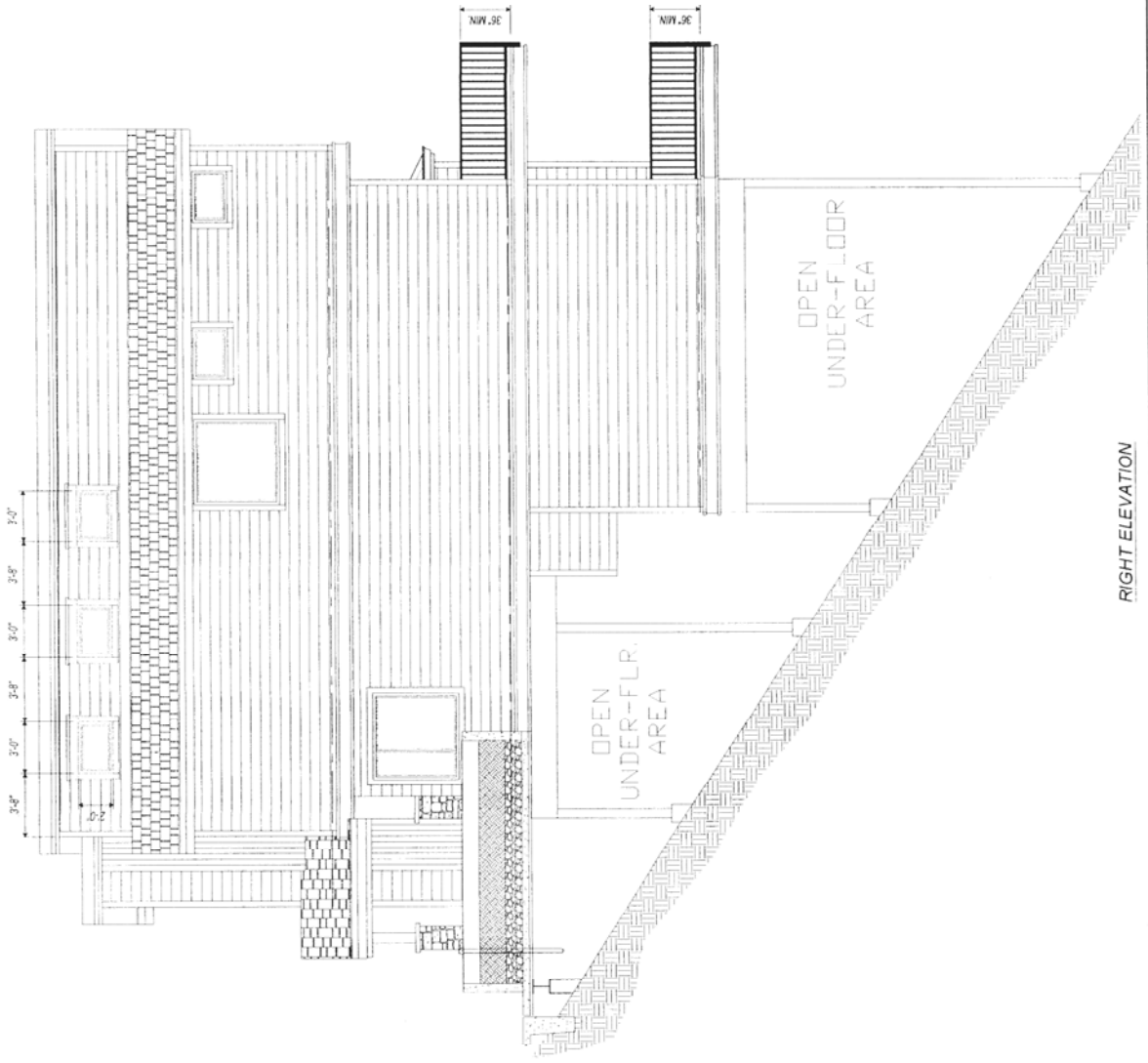
W14-118556AD  
 Exhibit C-2



LEFT ELEVATION

\* Approved\*  
 City of Portland - Bureau of Development Services  
 Planner AC Date 3/26/14  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional planning requirements may apply.

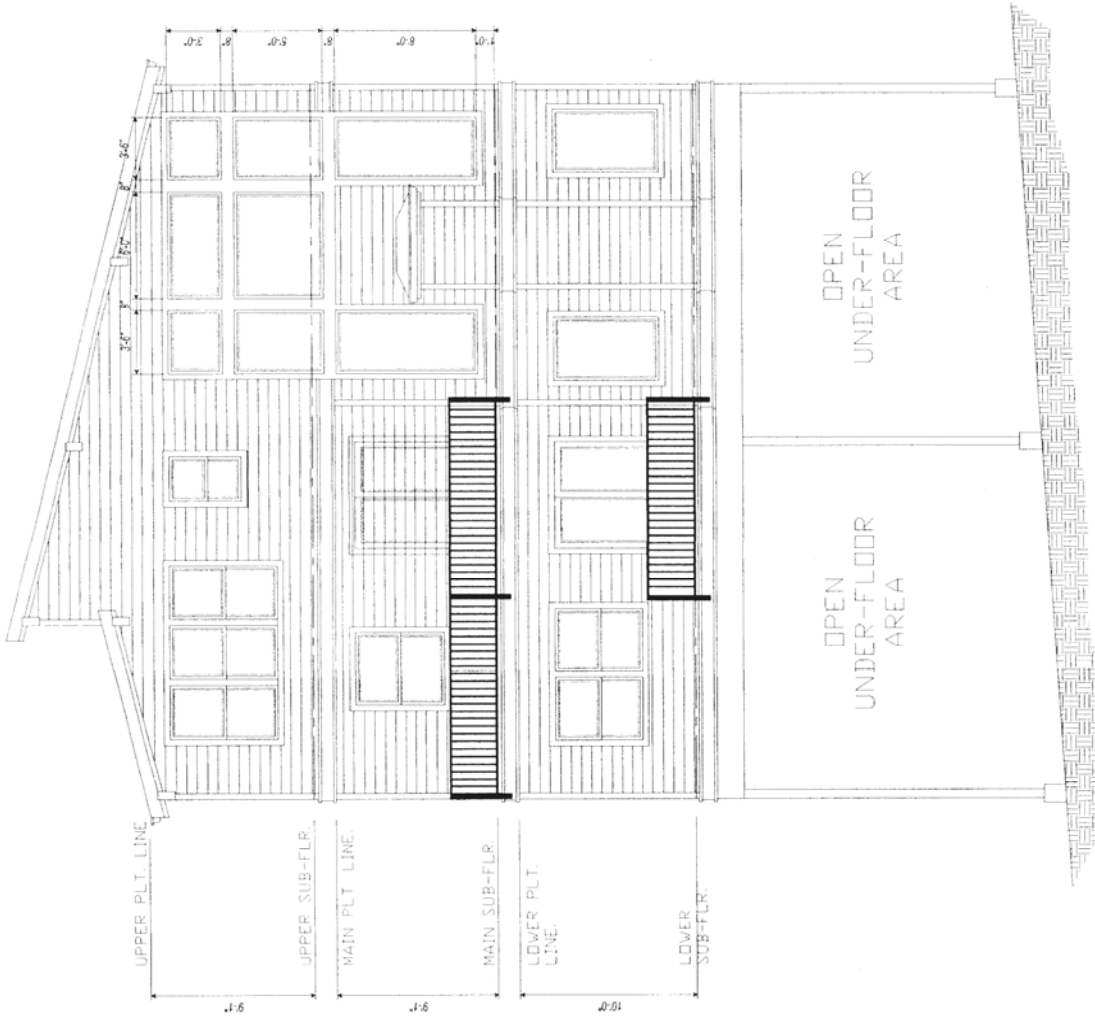
W14-118556AD



RIGHT ELEVATION

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner AC Date 3/26/11  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

W14-118556AD



REAR ELEVATION

\*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 all conditions of approval. Additional zoning requirements may apply.

W14-118556AD