

January 23, 2008

City of Portland Development Services
Planning and Zoning

Subject: Adjustment request for an R-1 zoned lot located at SW 18th Ave. and Mill St. Terrace owned by John Reilly
Submitted by William Hawkins and Philip Sydnor

ADJUSTMENTS REQUIRED FOR THE ST. ANDREWS CONDOMINIUMS IN AN R-1 ZONE:

1. FRONT (WEST) SETBACK ADJUSTMENT, ALONG S.W. 18TH AVENUE

CODE MINIMUM FRONT SETBACK: ZONING CODE, CITY OF PORTLAND, TABLE 120-3 (R-1) REQUIRES A 3 FT. SETBACK

REASON FOR SETBACK (Section 33.110.220 Setbacks)

- "To promote open, visually pleasing front yards."
- "To not significantly detract from the livability of appearance of the residential area."
- "The proposal will be consistent with the classifications of the adjacent streets and the desired character of the area."
- "They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing into the street."
- "The garage entrance must be either 5 ft. or closer to the street property line, or 18 ft. or farther from the street property line. If the garage entrance is located within 5 ft. of the property line, it may not be closer to the property line than the front facade of the residential portion of the building."

ADJUSTMENT REQUEST: 0'-0" setback for portions of the front façade, 33.805.040 approval

SUMMARIZE THE ADJUSTMENT REQUEST: Move the building West to remove it from the 60 ft. high cliff at the East property line.

CRITERIA A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified because:

1. The existing Public Right-of-Way in front of the proposed building is 15'-2", 10' wider than the public Right-of-Way in front of the existing properties to the south, also along 18th Avenue. 18th Avenue is also substantially wider in front of the proposed building than it is in front of the properties further South. Bringing the building up to the property line establishes a "Front Yard" more in proportion with the existing properties to the South. Furthermore, allowing the building's pedestrian access (stair, landing, ramp, and planters) on the public Right-of-Way directly adjacent to the building still allows enough space for a 6 ft. wide public sidewalk directly adjacent to the street curb, which is the same condition currently existing further South along 18th Avenue.
2. Mill St. and 18th Ave. south of the property have overall 30 ft. Right-of-Ways, while the proposal's street right-of-way in front of the property is 60 ft.. Therefore, the proposal offers more front yard than all the other structures on the remainder of the street.
3. The 15 ft. deep driveway will have no parking, as it is the entrance and exit for the parking garage. No cars will back into the street, thereby offering a better driver visibility than the garages on the remainder of the street.
4. The proposal is not a "snout house," which is the reason for which the setbacks were written. The garage entrance is subdued as much as possible and the entrance is "not closer to the street property line than the front facade of the residential portion of the building."

- CRITERION B:** The Proposal meets Criterion B because it will add to the livability or appearance of the residential area.
- CRITERION C:** The Proposal meets Criterion B because its cumulative effect of the adjustments makes the project more consistent with the overall purpose of the zone.
- CRITERION D:** Not applicable, because the Property is not in a City-designated scenic or historic resource.
- CRITERION E:** The Proposal meets Criterion E because any impacts resulting from the adjustment are mitigated to the extent practical.
- CRITERION F:** The Proposal meets Criterion F because it has as few significant environmental impacts on the resource and resource values as is practical.

2. SIDE (NORTH) SETBACK ADJUSTMENT, ALONG HIGHWAY 26 AND THE EXISTING PUBLIC BIKE TRAIL

CODE MINIMUM SIDE SETBACK: 5-14, & TABLE 120-4 (R-1) REQUIRES A 10 FT. SETBACK

REASON FOR SETBACK: (Section 33.110.215 Setbacks)

- To "maintain light, air, separation for fire protection, and the access for fire fighting."
- "They promote a reasonable physical relationship between residents."
- "They promote options for privacy for neighboring properties."
- "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 outdoors area, and allow for architectural diversity."

ADJUSTMENT REQUEST: 0'-0" setback for a 16'-0" segment of the façade and 2'-6" setback for the remainder of the facade

SUMMARIZE THE ADJUSTMENT REQUEST: Move the building away from the southern cliff, to the North property line, with a 0'-0" setback.

- CRITERIA A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified because:
1. The side setback (along Highway 26) already 'maintains light, air, a separation for fire protection, and access for fire fighting.' The existing trail is adjacent to the Proposal's North property line.
 2. A "reasonable physical relationship" does not apply when the property has no residential units to its North, nor any possibility of them being constructed.
 3. There are not adjacent properties which present privacy issues (Highway to the North; Cliff to the East; Cliff to the South, and mostly the right-of-way for Mill Street to the West.
 4. The extreme rise (to 60 ft.) to the East and South of the property requires that the proposed building be brought as far to the North and West properties as possible. The adjustments make the East setback, where an existing house is located, and the South setback, where the steep cliff is located, as large as can be permitted.

CRITERION B: The Proposal meets Criterion B because the building will enhance the livability and appearance of the residential area.

CRITERION C: The setback adjustments are cumulative as the distance between the proposed building and the two neighboring buildings is maximized. At the same time, the cut of the hillside to accommodate the building is less severe.

CRITERION D: There are no city-designated scenic resources on the site or adjacent.

CRITERION E: The only impacts resulting from the adjustments are mitigated to the extent practical.

CRITERION F: The proposal is mitigating any many detrimental impacts as practical.

3. HEIGHT ADJUSTMENT

CODE HEIGHT REQUIREMENT: 25/45, TABLE 120 120-3 (The 25 ft. height applies only to the portion of the structure within 10 ft. of the front property line). Figure 970-7, Base point 2 states: "When the highest grade is more than 10 ft. above the lowest grade, the base point is the elevation 10 ft. above the lowest grade." Therefore, the permitted height is 10 ft. (+) 45 ft., or 55 ft. above the lowest grade at the N.W. corner of the property, due to the hillside, 5 ft. above the level of a nearby sidewalk.

REASON FOR HEIGHT STANDARDS (Section 33.110.215 Height)

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

ADJUSTMENT REQUEST: A – Adjust the overall 55 ft. height currently permitted to 59'-4"

B – Adjust the 25 ft. height limit for the first 10 ft. of the building from the property line to the overall requested height limit, 59'-4".

SUMARIZE ADJUSTMENT REQUEST: Slightly increase the overall height, featuring a mansard roof with dormers and gable ends, to add scale and compatibility with adjacent structures.

1. The proposed adjustment allows for the decorative dormers and pedimented gables on the Mansard-like roof. These elements provide scale and residential character to the otherwise 5 story building (including garage level). It is to be noted that the condominiums to the South are 4-story in height and exhibit pedimented gable ends, as well as those across the street to the S.W.
2. There is privacy in the proposed plan. Due to the change in total street width from 30 ft. to 60 ft. in front of the Proposal, no units look directly into the Proposal's facade. The house to the East, at the top of the 60 ft. cliff, will maintain its privacy as it looks across the roof the Proposal.
3. The general building scale of the neighborhood is maintained, as on 18th Ave. south of the Highway 26 overpass, there are only multi-story condominiums and no single family houses.
4. In consideration of height, it is to be noted that the building is deeply recessed into the cliff on the property, making the only segment of the building above the height requirement the N.W. corner. On the East side of the property the roof level is below the Montgomery St. elevation on which a house is located.
5. The proposed buildings upper floors must be raised up to allow the second floor to have views above and beyond Highway 26 while still maintaining a Garage entry point at grade with 18th Avenue.

CRITERION A: The proposal meets Criterion A because it causes no impact on adjacent structures.

CRITERION B: The proposal meets Criterion B because it adds livability and pleasant appearance to the neighborhood.

CRITERION C: The proposal meets Criterion C because the cumulative effect of the adjustment allow the building to be concentrated away from the steep hillsides to the East and South, with no harmful effect on the northern Highway 26 right-of-way, or on S.W. 18th Avenue to the west.

CRITERION D: There are no city-designated scenic or historic resources.

CRITERION E: The proposal meets Criterion E because the adjustments are mitigated to the fullest extent practical.

CRITERION F: The proposal is not in an environmental zone.