



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

Chloe Eudaly, Commissioner
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Date: April 28, 2017
To: Interested Person
From: Brandon Rogers, Land Use Services
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NOTICE OF A TYPE Ix 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 17-104578 LC

GENERAL INFORMATION

Applicant: Chris Blattner
117 SW Taylor, Suite 200
Portland, OR 97204

Owner: Christopher Abbott & Cynthia McCann
117 SW Taylor St #200
Portland, OR 97204-3029

Site Address: 7504 SE CESAR E CHAVEZ BLVD
Legal Description: BLOCK 19 W 5' OF LOT 11 LOT 12-14, BERKELEY
Tax Account No.: R070905020
State ID No.: 1S1E24AD 09700
Quarter Section: 3734
Neighborhood: Woodstock, contact Terry Griffiths at 503-771-0011.
Business District: Woodstock Community Business Association, contact Ann Sanderson at anndango@gmail.com

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Zoning: Residential 5,000 (R5)
Case Type: Lot Consolidation (LC)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant proposes to consolidate historic lots 12,13 and 14, Berkeley, Block 19 into one lot (as depicted on the attached survey) in order to facilitate a Lot Confirmation and Property Line Adjustment with an abutting historic lot (west 5-feet of Lot 11, Berkeley, Block 19). The site is located at the south east corner of SE Cesar Chavez Blvd and SE Flavel Street. The historic lots must be consolidated into a single lot in order for the proposed property line adjustment, which is under a separate application (PR 15-248791 LC, PLA).

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section **33.675.300, Lot Consolidation Standards**.

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. This application was submitted on January 20, 2017 and determined to be complete on January 26, 2017.

ANALYSIS

Site and Vicinity: The site is located at the south east intersection of SE Cesar Chavez Boulevard and SE Flavel Street, approximately ¼ of a mile south of Berkeley Park. The site is located within the Woodstock Neighborhood, at the boundary of the Eastmoreland Neighborhood. The topography of the site is level, with an elevation change of approximately two feet across the site. The site contains an existing single family dwelling and detached garage. SE Flavel Street is improved with a 28-ft wide paved roadway and a 4-5-2 sidewalk corridor within a 50-ft wide ROW. SE Cesar Chavez Boulevard is improved with a 32-ft wide paved roadway and a 4-6-4.36 sidewalk corridor.

Zoning: Residential 5,000 (R5). The R5 designation is one of the City's single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

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

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on January 31, 2017.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: A written response has been received from a neighbor (Exhibit F.1). No written responses have been received from the Woodstock Neighborhood Association in response to the proposal.

Response: The neighbor's letter expresses concerns regarding off street parking, and includes a question about the proposed Property Line Adjustment (PR 15-248761 LC, PLA). There are no approval criteria for Lot Consolidations regarding off street parking. However, one off street parking space must be provided at the time of development, in compliance with Chapter 33.266 of the Portland Zoning Code. Once the Lot Consolidation, Lot Confirmation and Property Line Adjustments are completed, the resulting configuration of the site will be two, 50-foot wide lots facing SE Cesar Chavez Boulevard with a lot depth of 79.83 feet.

ZONING CODE APPROVAL CRITERIA**LOT CONSOLIDATIONS****33.675.010 Purpose**

This chapter states the procedures and regulations for removing lot lines within a site to create one lot. The regulations ensure that lot consolidation does not circumvent other requirements of this Title, and that lots and sites continue to meet conditions of land use approvals. The lot consolidation process described in this chapter is different from (and does not replace) the process used by the county to consolidate lots under one tax account. A tax consolidation does not affect the underlying platted lots. A lot consolidation results in a new plat for the consolidation site.

33.675.050 When These Regulations Apply

A lot consolidation may be used to remove lot lines within a site. The applicant may also choose to remove such lot lines through a land division. A lot consolidation may be required by other provisions of this Title.

33.675.100 Review Procedure

A. Generally. Lot consolidations are reviewed through Type Ix procedure.

B. Sites in PUDs or PDs. If any portion of the site is within a Planned Unit Development (PUD) or Planned Development (PD), an amendment to the PUD or PD is also required. The amendment to the PUD or PD must be reviewed concurrently with the lot consolidation.

Findings: The site is not involved in any past or proposed Planned Unit Development or Planned Developments. Therefore, the requested lot consolidation review has been reviewed under the Type Ix procedure.

Approval Standards for a Lot Consolidation

33.675.300 Standards

A lot consolidation must meet the following standards:

- A. Lots.** Consolidated lots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:
1. Lot dimension standards.
 - a. **Minimum lot area.** If the area of the entire lot consolidation site is less than that required of new lots, the lot consolidation site is exempt from minimum lot area requirements;
 - b. **Maximum lot area.** If any of the lots within the lot consolidation site are larger than the maximum lot area allowed, the lot consolidation site is exempt from maximum lot area requirements;
 - c. **Minimum lot width.** If the width of the entire lot consolidation site is less than that required of new lots, the lot consolidation site is exempt from minimum lot width requirements;
 - d. **Minimum front lot line.** If the front lot line of the entire lot consolidation site is less than that required of new lots, the lot consolidation site is exempt from minimum front lot line requirements;
 - e. **Minimum lot depth.** If the depth of the entire lot consolidation site is less than that required of new lots, the lot consolidation site is exempt from minimum lot depth requirements.

Findings: The proposed site is in the R5 zone. Approval standards 1.a through 1.e are related to the required lot dimensions and creation of a consolidated parcel that will either meet the lot dimension standards of the zone or meet the listed exceptions. The proposed consolidated lot meets the lot dimension standards of the R5 zone as shown in the following table (this information is found in Table 610-2 of the Zoning Code):

	R5 Zone Requirement	Lot 1 (after consolidation)
Minimum Lot Area	3,000 square feet	7,494
Maximum Lot Area	8,500 square feet	
Minimum Lot Width*	36 feet	74.95 feet
Minimum Front Lot Line	30 feet	74.95 feet
Minimum Lot Depth	50 feet	100 feet

* Width is measured at the minimum front building setback line

As noted herein, the proposed consolidated lot meets the applicable standards of Chapters 33.605 through 33.615 or the exceptions noted above and the proposed consolidated lot meets the standards of 1.a through 1.e.

- 2. Maximum density.** If the consolidation brings the lot consolidation site closer to conformance with maximum density requirements, the consolidation does not have to meet maximum density requirements;

Findings: The maximum density of the consolidated lot is $(7,494/5,000) = 1.49$, which rounds down to 1 unit. The site is developed with one single-family dwelling. Therefore, the maximum density will not be exceeded by consolidating the historic lots that currently make up this site.

- 3. Lots without street frontage.** If the lot consolidation consolidates lots that do not have street frontage with a lot that has street frontage, the consolidation does not have to meet minimum density and maximum lot area requirements;

Findings: The lots in the lot consolidation site have street frontage, therefore this standard does not apply.

- 4. Through lots.** If any of the existing lots within the lot consolidation site are through lots with at least one front lot line abutting an arterial street, then the consolidated lot may be a through lot;

Findings: The existing lots within the lot consolidation site are not through lots and proposed consolidated Lot 1 will not be a through lot. Therefore, this standard does not apply.

- 5. Split zoning.** If any of the existing lots within the lot consolidation site are in more than one base zone, then the consolidated lot may be in more than one base zone.

Findings: This site contains only one zoning designation; therefore, the consolidated lot will not have split zoning. This standard does not apply.

- B. Conditions of land use approvals.** Conditions of land use approvals continue to apply, and must be met.

Findings: There are no previous land use cases for this site, therefore this standard does not apply.

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 proposes to consolidate historic Lots 12, 13, 14 of Block 19, Berkeley into one parcel. No City Bureaus raised objection to the proposal. As discussed above, the requested lot consolidation has been reviewed and shown to be able to meet all the required standards for lot consolidations as laid out in Section 33.675.300.

ADMINISTRATIVE DECISION

Approval of a Lot Consolidation to create one parcel of historic Lots 12, 13, 14 of Block 19, Berkeley into one parcel, as illustrated by Exhibit C.1, signed and dated April 14, 2017

Decision rendered by:  on April 14, 2017
By authority of the Director of the Bureau of Development Services

Decision mailed April 28, 2017

Staff Planner: Brandon Rogers

About this Decision. This land use decision is **not a permit** for development. **THE SIGNED FINAL PLAT MUST BE RECORDED WITH MULTNOMAH COUNTY DEED RECORDS WITHIN 90 DAYS OF THE DATE OF THIS DECISION (July 13, 2017) OR THIS DECISION WILL BECOME NULL AND VOID.** 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 January 20, 2017, and was determined to be complete on January 26, 2017.

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 January 20, 2017.

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.

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

The file and all evidence on this case is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

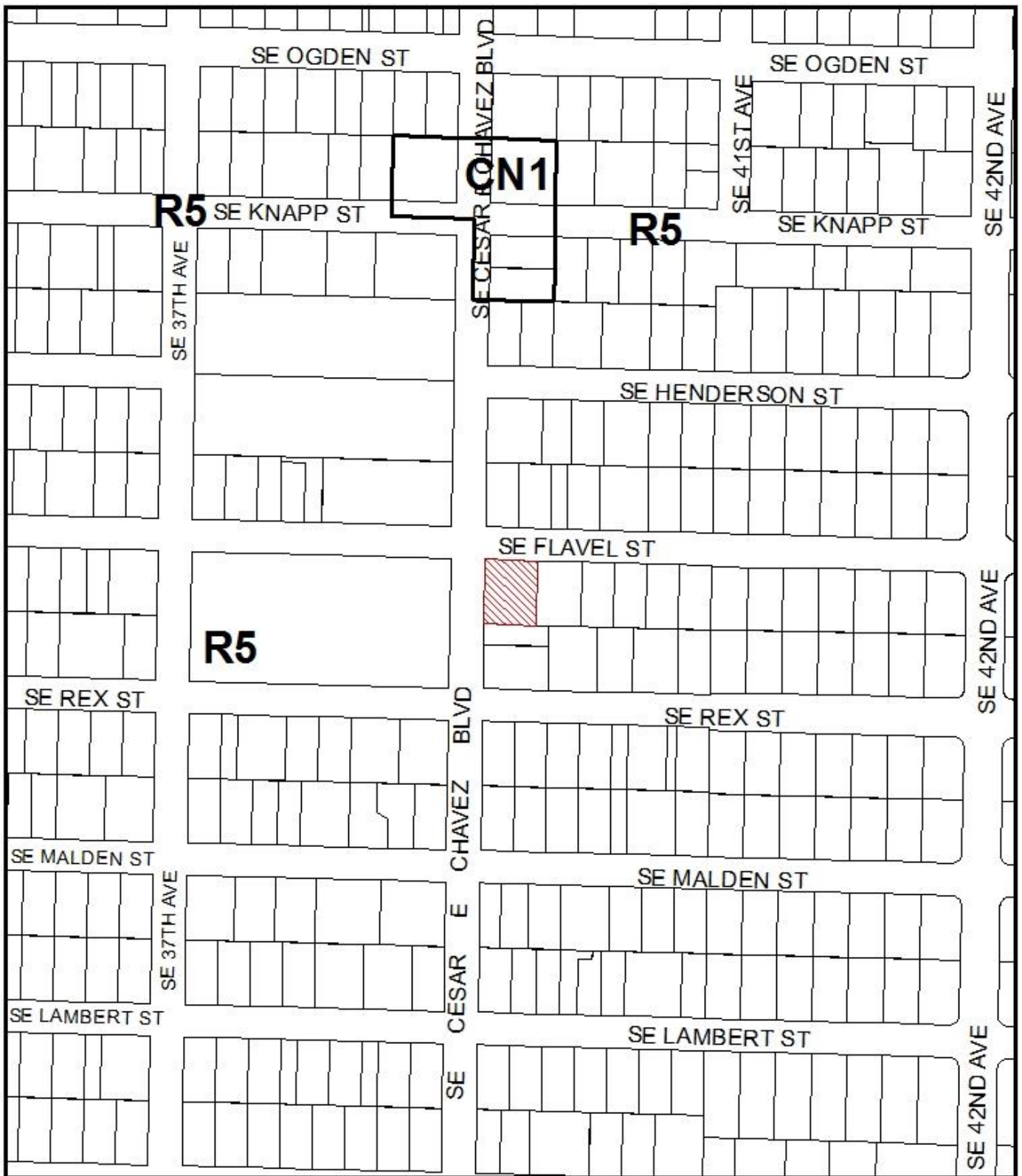
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS


NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety
- F. Correspondence:
 - 1. Robert Sokol, February 2, 2017
- G. Other:
 - 1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site



File No. LU 17-104578 LC
 1/4 Section 3734
 Scale 1 inch = 200 feet
 State_Id 1S1E24AD 9700
 Exhibit B (Jan 20, 2017)

PARTITION PLAT NO.

A REPLAT OF LOTS 12, 13 AND 14, BLOCK 19, BERKELEY
SITUATED IN THE NE 1/4 OF SECTION 24, T.1S., R.1E., W.M.
COUNTY OF MULTNOMAH, STATE OF OREGON
CITY OF PORTLAND PLANNING FILE NO. 15-248761-PR

SHEET 2 OF 2

DATE: APRIL 7, 2017

SURVEYOR'S CERTIFICATE:

I, LEE A. SPURGEON, HEREBY CERTIFY THAT I AM THE SURVEYOR, SURVEYED AND MARKED WITH
THE LOTS 12, 13 AND 14, BLOCK 19, BERKELEY, MULTNOMAH COUNTY PLAT RECORDS, SITUATED IN THE
NORTHWEST ONE-FOURTH QUARTER SECTION 24, T.1S., R.1E., W.M., COUNTY OF MULTNOMAH,
STATE OF OREGON, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS
FOLLOWS:
BEGINNING AT THE INITIAL POINT, A FIVE-EIGHTHS INCH DIAMETER BY 30 INCH LONG IRON ROD WITH
A YELLOW PLASTIC CAP MARKED "TOWNSHIP SURVEYS", SET ON THE SOUTH RIGHT-OF-WAY LINE OF
SE FLAKE STREET, A ROD WITH A RED PLASTIC CAP MARKED "CENTERLINE CONCRETS, INC.", FOUND
AT THE NORTHWEST CORNER OF LOT 16, BLOCK 20, SAID BERKELEY BEARS SOUTH 89°00'00" WEST,
452.79 FEET, THENCE FROM SAID INITIAL POINT, NORTH 89°00'00" WEST, 110.00 FEET, TO THE
SOUTH CORNER OF SAID LOT 16, BLOCK 20, SAID BERKELEY BEARS SOUTH 89°00'00" WEST,
WITH A YELLOW PLASTIC CAP MARKED "TOWNSHIP SURVEYS", SET AT THE NORTHEAST CORNER OF
SAID LOT 12, THENCE SOUTH 0°30'00" EAST ALONG THE EAST LINE OF SAID LONG IRON ROD WITH
A YELLOW PLASTIC CAP MARKED "TOWNSHIP SURVEYS", SET AT THE SOUTHWEST CORNER OF SAID LOT 12,
THENCE SOUTH 89°00'00" WEST ALONG THE SOUTH LINES OF LOTS 12, 13, 14, A DISTANCE
MARKED BY A YELLOW PLASTIC CAP MARKED "TOWNSHIP SURVEYS", SET AT THE SOUTHWEST CORNER OF SAID LOT 14, SAID CORNER BEING ON
THE EAST RIGHT-OF-WAY LINE OF SE GEMAR E. CHAVEZ BOULEVARD, THENCE NORTH 0°30'00" WEST
ALONG THE EAST RIGHT-OF-WAY LINE, 100.00 FEET TO THE INITIAL POINT. SAID TRACT CONTAINS
7,039 SQUARE FEET.

NOTES:

1.) THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY CITY OF
PORTLAND PLANNING CASE FILE NO. 15-248761-PR.

DECLARATION:

I, THE UNDERSIGNED, PRESIDENTS THAT CHRISTOPHER
ABBOTT AND CYNTHIA MCCANN, OWNERS OF THE LAND
REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY
THE PARTITION PLAT HEREIN, HAVE READ AND UNDERSTAND THE
TRUE NATURE AND CONTENTS OF THE PARTITION PLAT AND HAVE
CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE
PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.

Christopher Abbott
CHRISTOPHER ABBOTT

Cynthia McCann
CYNTHIA MCCANN

ACKNOWLEDGMENT:

STATE OF OREGON } SS
COUNTY OF CLATSOP

KNOW ALL MEN BY THESE PRESENTS, THAT ON THIS
5th DAY OF APRIL, 2017
BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND
COUNTY, CHRISTOPHER ABBOTT AND CYNTHIA MCCANN APPEARED
PERSONALLY, KNOWN TO ME TO BE THE SAME PERSONS WHOSE
NAMES ARE SET FORTH IN THE PARTITION PLAT HEREBY, AND DO
HEREBY ATTEST THEIR SIGNATURES VOLUNTARILY AND OF THEIR
OWN FREE WILL.

Melba Parker
NOTARY SIGNATURE
Dierke Parker
NOTARY PUBLIC - OREGON

COMMISSION NO. 957577

MY COMMISSION EXPIRES: December 02, 2020

APPROVED THIS 14TH DAY OF APRIL, 2017

BY: *Isaac Robinson Rogers*
CITY OF PORTLAND, PLANNING DIRECTOR'S DELEGATE

APPROVED THIS 14TH DAY OF APRIL, 2017

BY: *[Signature]*
CITY OF PORTLAND, CITY ENGINEER'S DELEGATE

APPROVED THIS _____ DAY OF _____, 2017
COUNTY SURVEYOR,
MULTNOMAH COUNTY, OREGON

BY: _____

ALL TAXES, FEES, ASSESSMENTS, OR OTHER CHARGES AS PROVIDED
BY O.R.S. 92.095 HAVE BEEN PAID AS OF _____, 2017
DIRECTOR, DIVISION OF ASSESSMENT AND TAXATION,
MULTNOMAH COUNTY, OREGON.

BY: _____

STATE OF OREGON } SS
COUNTY OF MULTNOMAH

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS
RECEIVED FOR RECORD AND RECORDED _____, 2017
AT _____ M., AS PARTITION PLAT NO. _____
COUNTY RECORDING OFFICE.

BY: _____
DOCUMENT NO. _____

THIS IS A TRUE AND EXACT
COPY OF THE ORIGINAL
PARTITION PLAT MAP.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 11, 2006
LEE A. SPURGEON
85603LS
EXPIRES 6/30/18

CLIENT: CHRIS BLATTNER JOB NUMBER: 15-6571
TOWNSHIP LAND SURVEYS
1415 WASHINGTON STREET, OREGON CITY, OR 97046
(503)-608-4818

CASE NO. 64 17-109578 LC
EXHIBIT C.1