



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

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**Date:** April 12, 2019  
**To:** Interested Person  
**From:** Sean Williams, 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 18-264482 LC**

#### **GENERAL INFORMATION**

**Applicant:** Joseph Schaefer | Jordan Ramis PC  
2 Centerpointe Drive, 6<sup>th</sup> Floor | Lake Oswego, OR 97035

**Owner:** Block 290 LLC | Thomas B. Brenneke  
PO Box 5668 | Portland, OR 97228-5668

**Owner's Representative:** Block 290 LLC | Thomas B. Brenneke  
760 Sw 9th Ave, Suite 2200 | Portland OR 97205

**Owner/Owner's Representative:** Preg NW Portland LLC | John Millham  
1900 S Norfolk Street, #150 | San Mateo, CA 94403

**Site Address:** 1417 NW 20<sup>th</sup> Avenue

**Legal Description:** INC PT VAC ST BLOCK 291, COUCHS ADD; INC PT VAC ST BLOCK 290, COUCHS ADD

**Tax Account No.:** R180230010, R180230190

**State ID No.:** 1N1E33BA 00100, 1N1E33BA 00101

**Quarter Section:** 2827, 2927

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.

**Business District:** Nob Hill, contact Nob Hill at [nobhillportland@gmail.com](mailto:nobhillportland@gmail.com).

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

**Plan District:** Northwest

**Zoning:** Commercial/Mixed Use 3 (CM3) w/ Design (d) Overlay

**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 the following historic lots, including vacated right-of-way, into the following parcels:

- **Parcel 1:** Couch's Addition, Block 290, Lots 9-18, including portion of vacated NW Quimby Street right-of-way;
- **Parcel 2:** Couch's Addition, Block 291, Lots 9-18;
- **Parcel 3:** Couch's Addition, Block 291, Lots 1-8, including portion of vacated NW Quimby Street right-of-way.

Note, a Lot Confirmation (18-262324 PR) has been approved to separate the combination of Lots 1-8 (Couch's Addition, Block 290) from the larger balance of the site being re-platted through this review.

**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 Approval Criteria.**

## ANALYSIS

**Site and Vicinity:** The site consists of a portion of Block 290 and all of Block 291 (Couch's Addition), which has frontage on NE Pettygrove Street, NW 21<sup>st</sup> Avenue, NW Raleigh Street, and NW 20<sup>th</sup> Avenue. Existing development consists of a vacant truck maintenance building on Block 290 and a surface parking lot on Block 291.

**Zoning:** The project site lies within the Con-way Master Plan area. During the term of the Master Plan (October 2, 2012 to October 2, 2022), the uses that are allowed, applicable development standards, and sections of the Zoning Code that apply to development within the Master Plan are only those Zoning Code provisions, as modified by the Master Plan, that were effective on the date the Master Plan application was filed. Therefore, the proposal will be reviewed under the zoning in effect the date the Master Plan application was filed (April 24, 2012) – Central Employment (EX) base zone, d overlay zone and the Northwest plan district. It is also within the Northwest Master Plan boundary (33.562.300). 33.562.300 requires a Master Plan to be in place prior to development; a Master Plan was approved by the Hearings Officer under LU 12-135162 MS.

The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed but are not intended to predominate or set development standards for other uses in the area.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Northwest plan district provides for an urban level of mixed-use development including commercial, office, housing, and employment. The regulations of this chapter promote housing and mixed-use development; discourage auto-oriented developments; enhance the pedestrian experience; and encourage a mixed-use environment and transit supportive levels of development in the area near the streetcar alignment.

**Land Use History:** City records indicate that prior land use reviews include:

- **LU 12-135162 MS:** Approval of Northwest Master Plan for the Con-way site.
- **LU 15-142459 MS:** Approval of a Design Review to remove the vehicular access restriction from NW Thurman Street, amending Map 06-1 of the Con-way Master Plan, for the Con-way Master Plan area in the Northwest Plan District.
- **LU 16-100496 DZM:** Approval of a Design Review with Modifications for a new multi-story residential building with ground floor retail, below-grade parking, and a roof terrace in the Con-way Master Plan Area.

- **LU 18-185663 DZM:** Approval of a Design Review with Modifications for two new 6-story mixed-use, market-rate apartment buildings with ground level retail (approximately 17,000 sf), and approximately 354 units and below-grade parking on two blocks – Block 291W (south) and 292W (north) – within the Con-way Master plan area.

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on December 13, 2018.

1. **Agency Review:** Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the applicable criteria for review of the proposal.
2. **Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **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 combine into one to three lots. The regulations ensure that the 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 counties to consolidate lots under one tax account. A tax account 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 perimeter of consolidated lots must follow existing lot lines. Lot lines cannot be created or moved through this process. 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.

#### **33.675.300 Approval Criteria**

A lot consolidation will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

- 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, lots in the lot consolidation site are 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, lots in the lot consolidation site are 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, lots in the lot consolidation site are 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, lots in the lot consolidation site are 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, lots in the lot consolidation site are exempt from minimum lot depth requirements.

**Findings:** The zoning designation applicable to this site is Central Employment (EX). 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. In the EX zone, each lot must have a front lot line that is at least 10 feet long. There are no other required minimum lot dimensions for lots in this zone (33.614.100.C). Parcels 1 through 3 each exceed the minimum front lot line requirement. As noted herein, the proposed consolidated parcels meet the standards of 1.a through 1.e and this requirement is met.

- 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:** There is no minimum or maximum residential density in the EX zone. Therefore, this requirement does not apply.

- 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 proposal will result in consolidating lots that do not have street frontage with lots that do have street frontage. However, there is no minimum density or maximum lot area requirements applicable in this zone. Therefore, this requirement 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 parcels will not be a through lot. Therefore, this requirement 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 requirement does not apply.

**B. Conditions of land division approvals. The lot consolidation must meet one of the following:**

- 1. All conditions of previous land division approvals continue to be met or remain in effect; or**

**2. The conditions of approval no longer apply to the site, or to the development on the site, if the lots are consolidated.**

**Findings:** There are no previous land division reviews associated with this site. Therefore, this standard does not apply.

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

**Findings:** All conditions of previous land use reviews, identified earlier in this report, will continue to apply.

**D. Services. The lot consolidation does not eliminate the availability of services to the lots, and the consolidated lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.**

**Findings:** The relevant service bureaus have responded with no objections or concerns with this lot consolidation proposal (Exhibit E), therefore this requirement 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 applicant proposes to consolidate the following historic lots, including vacated right-of-way, into the following parcels:

- **Parcel 1:** Couch's Addition, Block 290, Lots 9-18, including portion of vacated NW Quimby Street right-of-way;
- **Parcel 2:** Couch's Addition, Block 291, Lots 9-18;
- **Parcel 3:** Couch's Addition, Block 291, Lots 1-8, including portion of vacated NW Quimby Street right-of-way.

As discussed above, the requested lot consolidation has been reviewed and shown to be able to meet all the requirements for lot consolidations as laid out in Section 33.675.300.

## ADMINISTRATIVE DECISION

**Approval** of a Lot Consolidation to create three parcels from the following historic lots: Parcel 1: Couch's Addition, Block 290, Lots 9-18, including portion of vacated NW Quimby Street right-of-way; Parcel 2: Couch's Addition, Block 291, Lots 9-18; Parcel 3: Couch's Addition, Block 291, Lots 1-8, including portion of vacated NW Quimby Street right-of-way; as illustrated by Exhibit C.1, signed and dated April 4, 2019.

**Decision rendered by:**  **on April 9, 2019**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 12, 2019**

**Staff Planner: Sean Williams**

**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 8, 2019), 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 November 9, 2018, and was determined to be complete on December 4, 2018.

*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 November 9, 2018.

*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 requested that the 120-day review period be extended, as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: May 18, 2019**

**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.

**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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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).

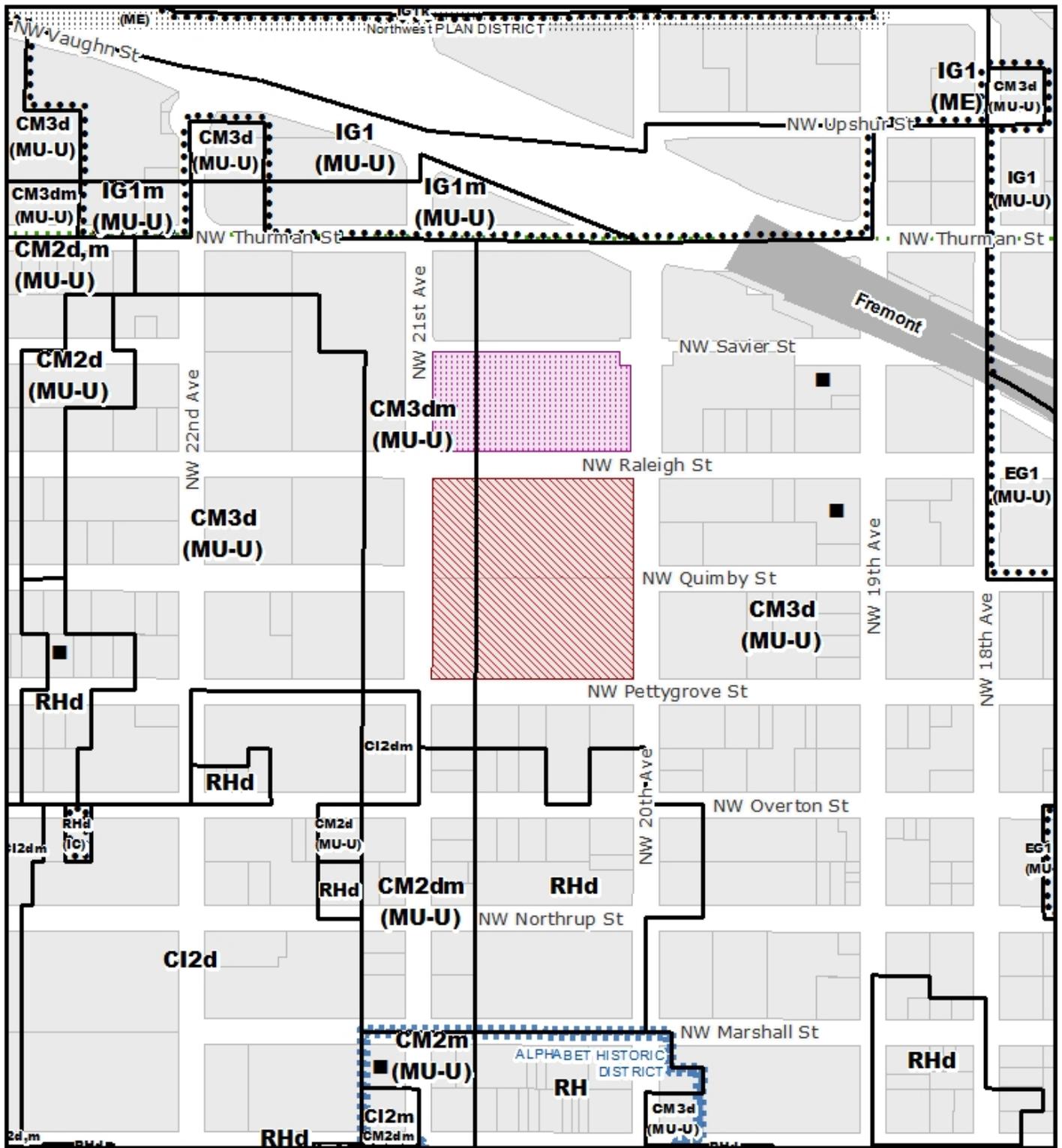
**Recording the Final Plat.** The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Request for extension of 120-day review period
  - 3. Ownership information
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (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; Site Development Review Section of BDS
- F. Correspondence: NONE
- 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

THIS SITE LIES WITHIN THE:  
NORTHWEST PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 18-264482 LC
1/4 Section	2827, 2927
Scale	1 inch = 300 feet
State ID	1N1E33BA 101
Exhibit	B Nov 13, 2018



