



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

Ted Wheeler, Mayor
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Date: May 30, 2019
To: Interested Person
From: Sean Williams, Land Use Services
 503-823-7612 / Sean.Williams@portlandoregon.gov

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 18-282853 LC & LU 18-282864 LC

GENERAL INFORMATION

Applicant: Troy Tetsuka | KPFF Consulting Engineers, Inc.
 111 SW 5th Avenue, Suite 2500 | Portland, OR 97204

Owner: John Marasco | SP Jade II, LLC
 701 5th Avenue, #5700 | Seattle, Wa 98104

Site Address: 2505 NE Pacific Street

Legal Description: BLOCK 28&29&44&45 TL 12000, SULLIVANS ADD
Tax Account No.: R806101960
State ID No.: 1N1E36BC 12000
Quarter Section: 2933
Neighborhood: Kerns, contact Elliott Mantell at commonchiro@yahoo.com
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
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 is proposing to consolidate the following historic lots within this site in order to facilitate Property Line Adjustments (18-282853 PR & 18-282858 PR) that will ultimately result in the creation of 4 separate parcels:

- **LU 18-282853 LC:**
 - Parcel 1: Sullivan’s Addition, Lots 1-8 (Block 44), Lots 1-4 (Block 45), Including portion of vacated NE 26th Avenue and NE Pacific Street

- Parcel 2: Sullivan's Addition, Lots 5-8 (Block 45), Including portion of vacated NE Pacific Street
- Associated Property Line Adjustment: 18-282858 PR
- **LU 18-282864 LC:**
 - Parcel 1: Sullivan's Addition, Lots 1-4 (Block 29), Including portion of vacated NE Pacific Street
 - Parcel 2: Sullivan's Addition, Lots 5-8 (Block 29), Lots 1-8 (Block 28), Including portion of vacated NE 26th Avenue and NE Pacific Street
 - Associated Property Line Adjustment: 18-282868 PR

The Property Line Adjustments are not a part of 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 approximately 4 city blocks and is currently occupied by the Pepsi Bottling Plant warehouses, office and surface parking. The site is bounded by NE 25th Avenue to the west; NE Oregon Street and NE Sandy Boulevard to the south; NE Holladay Street, beside the I-84 freeway, to the north; and, NE 27th Avenue to the east.

Zoning: The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

Land Use History: City records indicate the following prior land use reviews for this site:

- **LU 11-203911 DZ:** Approval of a Design Review for a wall sign.
- **LU 18-248691 PDBM:** Approval of a Planned Development with Bonus Height and Modification Review to redevelop the four and a half block Pepsi Bottling Plant on Sandy Boulevard with market-rate and affordable housing, offices, retail/restaurant spaces, publicly-accessible open parks and plaza, and associated underground parking. The existing Pepsi Pavilion building is proposed to be retained.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on February 1, 2019.

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: A Planned Development with Bonus Height and Modification Review (LU 18-248691 PDBM) was recently approved with consideration of the lot configuration resulting from associated property line adjustments (18-282858 PR & 18-282868 PR) subsequent to these lot consolidation reviews. Therefore, an amendment to the PD is not required and this review has been processed 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 proposed site is in the CM3 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. In Commercial zones each lot must have a front lot line at least 10 feet long. There are no minimum lot

area, width or depth standards. Lots must be of a size, shape, and orientation that is appropriate for the location and for the type of development and use that is contemplated (33.613.200). Each lot has a front lot line at least 10 feet long and the consolidated lots will facilitate property line adjustments that will result in lot configurations that will accommodate development approved through LU 18-248691 PDBM.

As noted herein, the proposed consolidated lot meets 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 maximum residential density requirement in the CM3 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: All lots in the lot consolidation site have street frontage, 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 Lot 1 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 approvals for this site, therefore these requirements do 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 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 requirements of Title 11 can be met, and 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 is proposing to consolidate the following historic lots within this site in order to facilitate Property Line Adjustments (18-282853 PR & 18-282858 PR) that will ultimately result in the creation of 4 separate parcels:

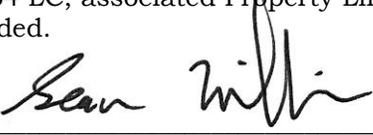
- **LU 18-282853 LC:**
 - Parcel 1: Sullivan's Addition, Lots 1-8 (Block 44), Lots 1-4 (Block 45), Including portion of vacated NE 26th Avenue and NE Pacific Street
 - Parcel 2: Sullivan's Addition, Lots 5-8 (Block 45), Including portion of vacated NE Pacific Street
 - Associated Property Line Adjustment: 18-282858 PR
- **LU 18-282864 LC:**
 - Parcel 1: Sullivan's Addition, Lots 1-4 (Block 29), Including portion of vacated NE Pacific Street
 - Parcel 2: Sullivan's Addition, Lots 5-8 (Block 29), Lots 1-8 (Block 28), Including portion of vacated NE 26th Avenue and NE Pacific Street
 - Associated Property Line Adjustment: 18-282868 PR

The Property Line Adjustments are not a part of this review. 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 Lot Consolidations to create 4 parcels, as illustrated by Exhibit C.1, signed and dated May 23, 2019, subject to the following condition:

- A.** Prior to development of Parcels 1 and 2 of LU 18-282853 LC, associated Property Line Adjustment 18-282858 PR shall be approved and recorded and prior to development of Parcels 1 and 2 of LU 18-282864 LC, associated Property Line Adjustment 18-282868 PR shall be approved and recorded.

Decision rendered by:  on May 28, 2019
By authority of the Director of the Bureau of Development Services

Decision mailed: May 30, 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 (August 28, 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 December 27, 2018, and was determined to be complete on January 25, 2019.

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 December 27, 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: June 1, 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.

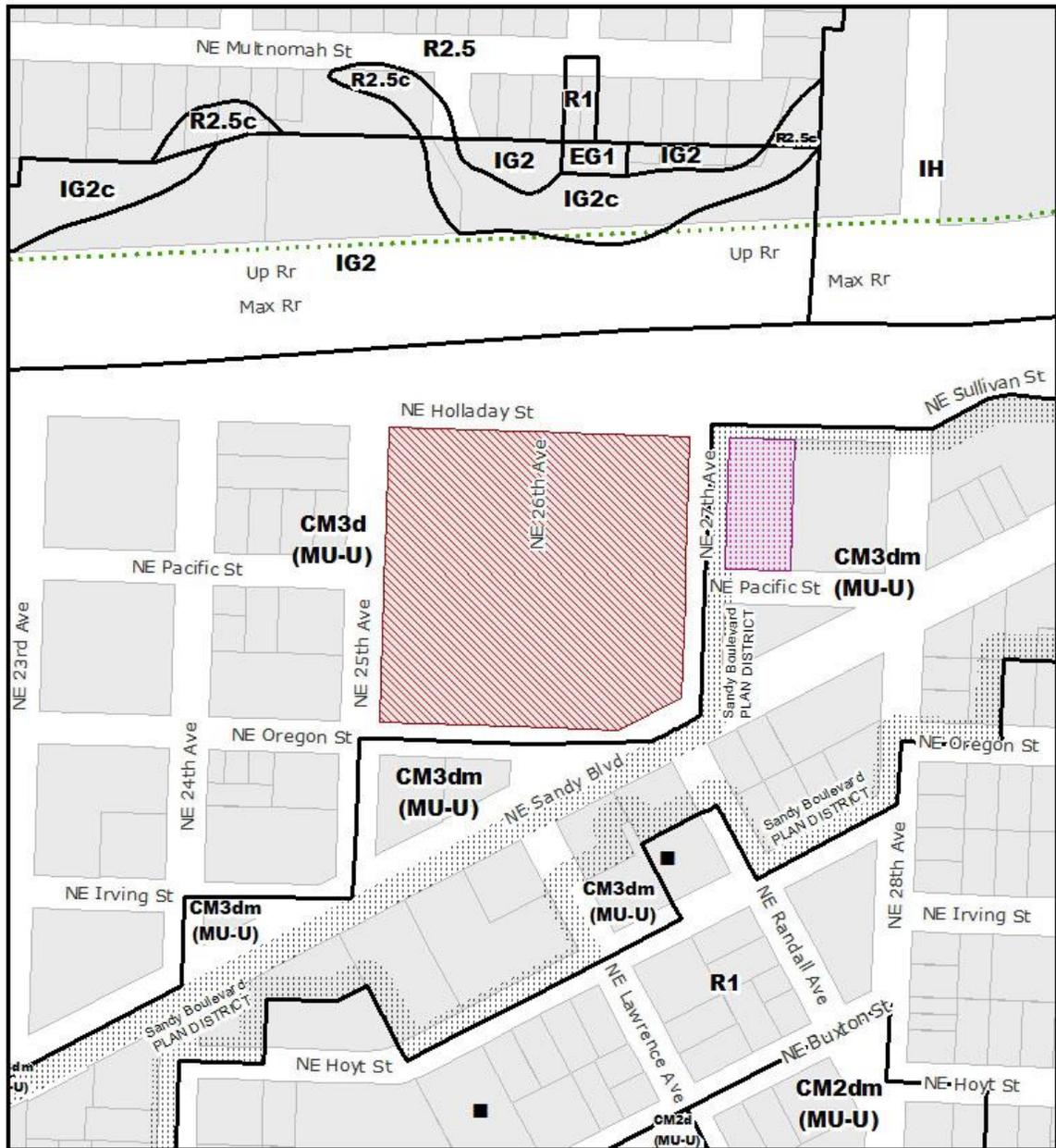
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Request for extension of 120-day review period
 - 3. Title report (north plat)
 - 4. Title report (south plat)
 - 5. LLC agreement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat: LU 18-282853 LC (attached)
 - 2. Approved Plat: LU 18-282864 LC (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Fire Bureau
 - 3. Bureau of Transportation Engineering and Development Review; Water Bureau; Site Development Review Section of BDS; Bureau of Parks, Forestry Division
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application: LU 18-282853 LC
 - 2. Original LU Application: LU 18-282864 LC

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  NORTH

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

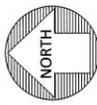
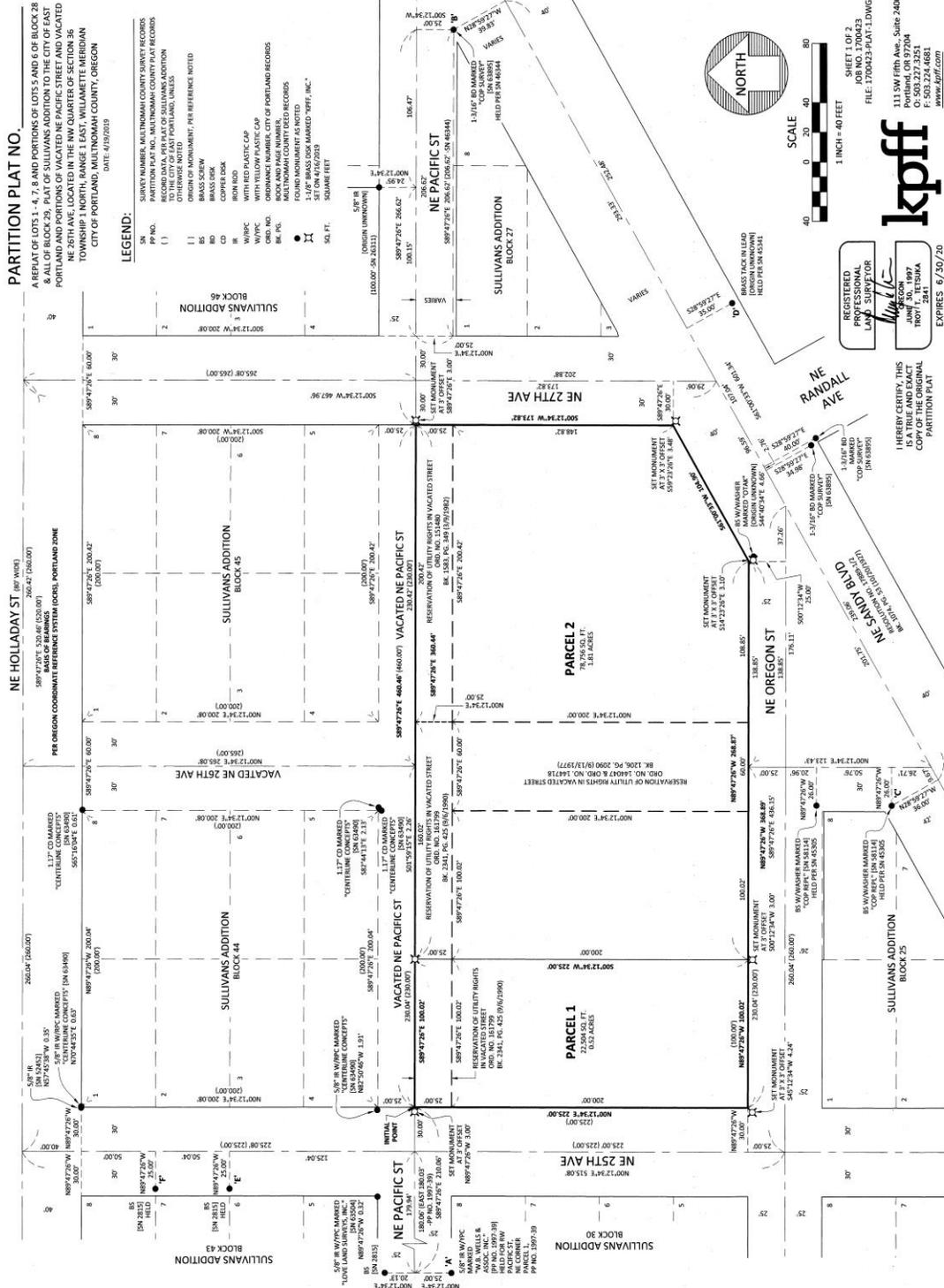
File No.	LU 18-282864 LC LU 18-282853 LC
1/4 Section	2933
Scale	1 inch = 200 feet
State ID	1N1E36BC 12000
Exhibit	B Jan 02, 2019

PARTITION PLAT NO.

A REPLAT OF LOTS 1, 4, 7, 8 AND PORTIONS OF LOTS 5 AND 6 OF BLOCK 28 & ALL OF BLOCK 29, PLAT OF SULLIVANS ADDITION TO THE CITY OF EAST PORTLAND AND PORTIONS OF VACATED NE PACIFIC STREET AND VACATED NE OREGON STREET, TRACT 1, NORTH RANGE 1 EAST, WILMAHETTE MERIDIAN, TOWNSHIP 1 NORTH, RANGE 1 EAST, WILMAHETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON
DATE: 4/19/2019

LEGEND:

- 1. 1" CD MARKED "CENTRALINE CONCEPTS" (DN 64896) (DN 64896)
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SCALE
1 INCH = 40 FEET

SHEET 1 OF 2
100% SCALE
FILE: 17004023.PLAT.LDWG

REGISTERED
LAND SURVEYOR
Kurt J. Koff
JUNE 30, 1997
TROY, INDIANA
EXPIRES: 6/30/20



111 SW 8TH AVE, Suite 2400
Portland, OR 97204
O-503.227.3251
www.kpff.com

WHEREBY CERTIFY, THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PARTITION PLAT

