



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: September 16, 2019
To: Interested Person
From: Shawn Burgett, Land Use Services
503-823-7618 / shawn.burgett@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 19-152634 LC

GENERAL INFORMATION

Applicant: Sarah Radelet, Strata Land Use Planning
PO Box 90833 / Portland OR 97290
(503) 320-0273

Owner/Owner's Representative: Tina Lei, Aav One LLC
8733 SE Division St Suite 201 / Portland, OR 97266

Site Address: 7700 SE MITCHELL ST

Legal Description: BLOCK 4 LOT 4-6 TL 900, CHICAGO CENTRE
Tax Account No.: R155700630
State ID No.: 1S2E17AC 00900
Quarter Section: 3538
Neighborhood: Foster-Powell, contact Shawn Morgan at 503-622-3933.
Business District: Foster Area, contact Venture Portland at 503-477-9648.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Zoning: CE- Commerical Employment
Case Type: LC- Lot Consolidation
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to consolidate portions of historic Lot 4 and a portion of Lots 5 and 6 into a single parcel. The purpose of this lot consolidation is to allow for a property line adjustment (per 18-167179 PR) between newly consolidated Parcel 1 and the adjacent parcel to the east.

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.**

FACTS

Site and Vicinity: The site abuts SE Mitchell St. to the north. SE Foster Rd. (major transit priority street) is located approximately 92 ft. south of the site. Existing development consists of a detached single-family home that will be located on Parcel 1.

Zoning: The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. This zone is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and where more urban development is not yet economically feasible. The zone allows a mix of commercial uses, including auto-accommodating development and drive-through facilities, as well as some light manufacturing and distribution uses that have few off-site impacts. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. This zone is intended to allow for development with auto-accommodating configurations, while also including pedestrian-oriented design features that support transit and pedestrian access.

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

- **18-120958 PR:** Approval of a Lot Confirmation of historic lot 6 and property line adjustment with adjacent historic lot.
- **18-167179 PR:** City review of Property Line Adjustment between the lot approved under 18-120958 PR and the Lot (Parcel 1) created via this Lot consolidation. The property line adjustment cannot be approved until following Lot consolidation approval (current review) and County recording.

LU 18-233099 AD: Approval of an Adjustment to increase the maximum building setback from SE Mitchell Street from 10 feet to 68 feet for the apartment building (Zoning Code Section 33.130.215.C.1) proposed on lot following city approval of 18-167179 PR). Approval of an Adjustment to allow the shared outdoor area on this lot to be 15 feet by 30 feet instead of the required 20 feet by 20 feet (Zoning Code Section 33.130.228.B.2.b.(1)).

Agency Review: Several Bureaus have responded to this proposal and relevant comments are addressed under the applicable approval criteria. Exhibits “E” contain the complete responses.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 9, 2019**. No written responses have been received from 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 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.

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 Commercial Employment (CE) 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 the CE 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 the CE zone. Therefore, standards 1.a through 1.c and 1.e are not applicable. Parcel 1 has a minimum front lot line that will exceed the minimum requirement for the zone. This standard 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 Commercial Employment (CE) zone, so this standard 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: As noted above, there is no minimum residential density or maximum lot area requirements in the Commercial Employment (CE) zone, so 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 Parcel 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 lots will not have split zoning. This standard 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 development on the site, if the lots are consolidated.

Findings: No conditions of previous land divisions approvals apply to the lot consolidation site. Therefore, this standard is met.

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

Findings: All conditions of previous land use reviews will continue to apply to the lot consolidation site. Therefore, this standard is met.

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 services Bureaus have indicated that their service requirements are met per Exhibits E.1-E.5. Therefore, this standard 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 a Lot Consolidation to create one parcel (Parcel 1) of historic Lot 4 and a portion of Lots 5 and 6, Chicago Centre, Block 4, into a single parcel.

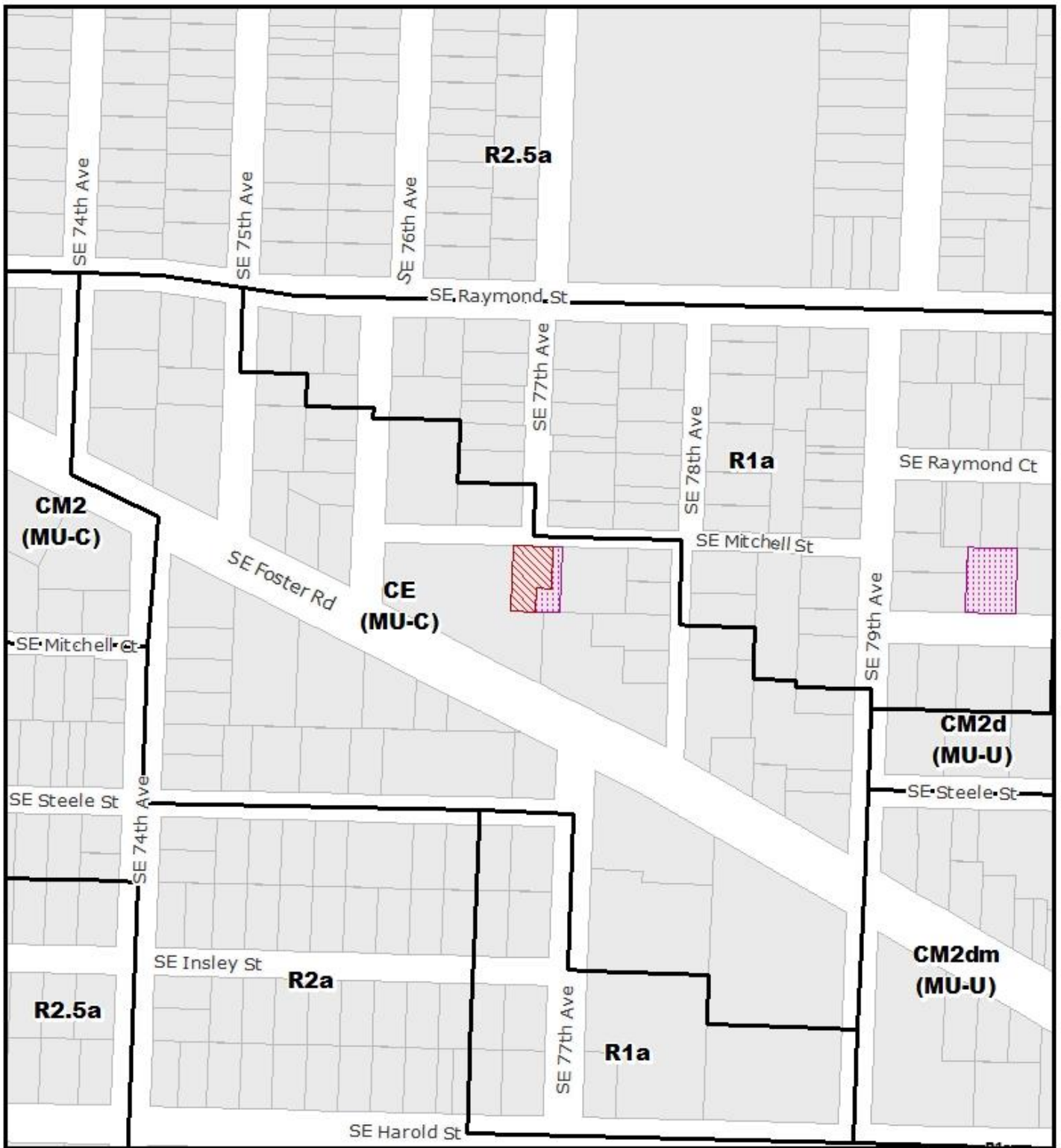
As discussed above, the requested lot consolidations have been reviewed and shown to be able to meet all the required standards for lot consolidations as laid out in Section 33.675.300.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicants narrative
 - 2. Legal descriptions
 - 3. Historic plat
 - 4. 30-day extension to 120-day clock
 - 5. Articles of organization, AAV One LLC
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Partition Plat (attached)
 - 2. Supplemental survey
- 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
- F. Correspondence: (None received)
- G. Other:
 - 1. Original LU Application
 - 2. PLA 18-167179 PR
 - 3. Auditors Office

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).



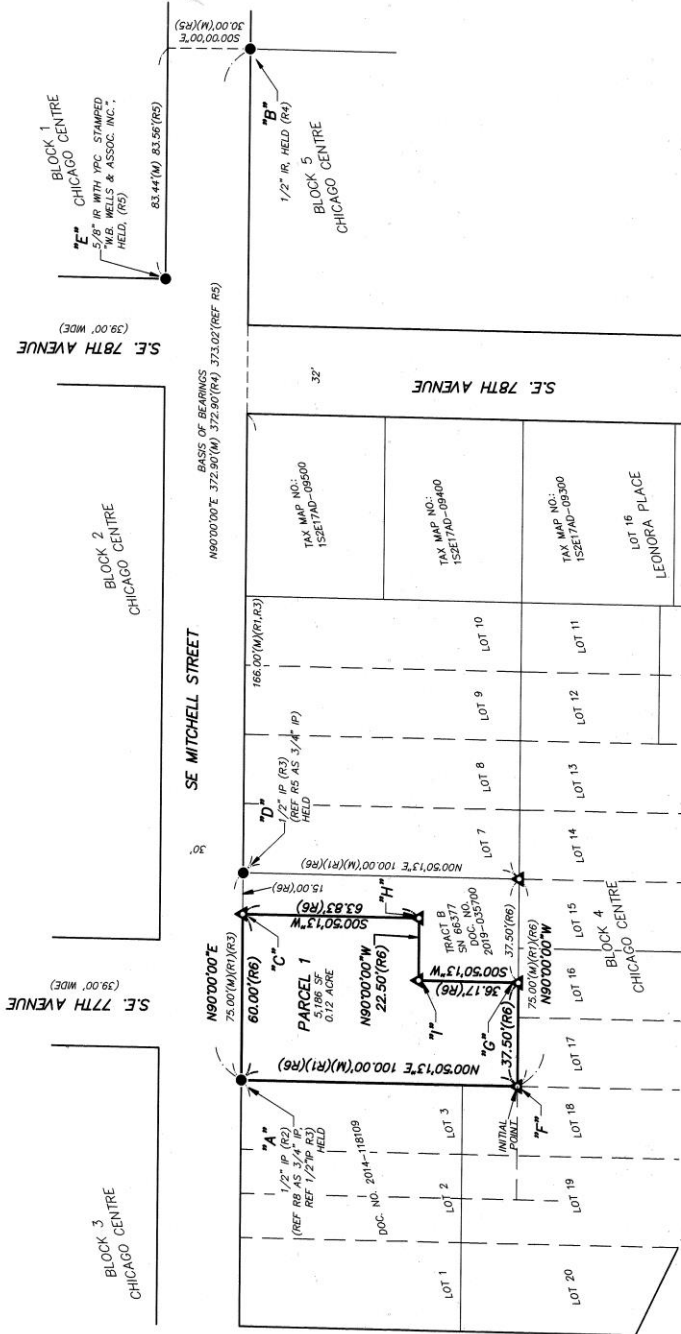
ZONING  NORTH

-  Site
-  Also Owned Parcels

File No.	LU 19-152634 LC
1/4 Section	3538
Scale	1 inch = 200 feet
State ID	1S2E17AC 900
Exhibit	B Apr 25, 2019

PARTITION PLAT NO.

A REPLAT OF LOT 4 AND A PORTION OF LOT 5 AND
A PORTION OF LOT 6, BLOCK 4, CHICAGO CENTRE
SITUATED IN THE N.E. 1/4 OF SECTION 17, T.1S, R.2E, W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY,
OREGON



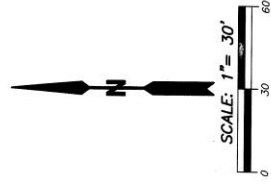
LEGEND:

- ▲ FOUND AND HELD 5/8" IR W/PC STAMPED T.S. 2351, SET IN SN 66377 FOUND MONUMENT AS NOTED
- FOUND RECORD DATA
- FND (M) MEASURED DATA
- (R) IRON PIPE, INSIDE DIAMETER
- IR IRON PIPE, INSIDE DIAMETER
- BS BRASS SCREW
- W/PC WITH A YELLOW PLASTIC CAP
- OU ORIGIN UNKNOWN
- REF REFERENCED IN
- SF SQUARE FEET
- SN SURVEY NUMBER, MULTNOMAH COUNTY SURVEY RECORDS
- M.C.D.R. MULTNOMAH COUNTY DEED RECORD
- M.C.P.R. MULTNOMAH COUNTY PLAT RECORD

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Thomas G. Nelson
OREGON
JULY 26, 1985
THOMAS G. NELSON
#2531

RENEWAL 12/31/20
I HEREBY CERTIFY THIS IS A TRUE
AND EXACT COPY OF THE ORIGINAL
PARTITION PLAT

SURVEYED FOR:
AAV ONE LLC
8733 SE DIVISION ST
PORTLAND, OR, 97266



- REFERENCES:
- R1 CHICAGO CENTRE, M.C.P.R.
 - R2 SN 18096
 - R3 SN 19979
 - R4 SN 33068
 - R5 SN 59198
 - R6 SN 66377
 - R8 SN 38006

Tom Nelson & Associates, LLC.
4638 NE SANDY BLVD, SUITE 200
PORTLAND, OREGON 97213
PHONE: (503) 290-1932

FILE: 17041 DATE: APRIL 1, 2019
DRAWN BY: SRZ, RHK SHEET: 1 OF 2

PARTITION PLAT NO.

A REPLAT OF LOT 4 AND A PORTION OF LOT 5 AND
A PORTION OF LOT 6, BLOCK 4, CHICAGO CENTRE
SITUATED IN THE N.E. 1/4 OF SECTION 17, T.1S. R.2E, W.M.
CITY OF PORTLAND, MULTNOMAH COUNTY,
OREGON

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO REPLAT LOT 4 AND PORTIONS OF LOT 5 AND LOT 6, BLOCK 4, CHICAGO CENTRE, MULTNOMAH COUNTY PLAT RECORDS, AND DESCRIBED AS TRACT "A", IN DEED RECORDED AS DOCUMENT NO. 2019-035700, MULTNOMAH COUNTY DEED RECORDS, AND TO CONSOLIDATE SAID TRACT INTO A SINGLE PARCEL IN ACCORDANCE WITH CITY OF PORTLAND CASE FILE NO. LU 19-152634 LC.

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE LINE REPRESENTED BY MONUMENTS FOUND AT POINT "A" AND "C", PER SN 18096 (R2), SN 19979 (R3), SN 33868 (R4), AND SN 59198 (R5).

I HAVE ESTABLISHED THE NORTH LINE OF BLOCK 4, CHICAGO CENTRE, ALSO BEING THE SOUTH LINE OF S.E. MITCHELL STREET, BY HOLDING THE MONUMENTS FOUND AT POINTS "A", "B", "C", AND "D", AND 30.00 FEET SOUTH (WHEN MEASURED AT RIGHT ANGLES) FROM THE MONUMENT FOUND AT POINT "E", PER PLAT PER SN 18096 (R2), SN 19979 (R3), SN 33868 (R4), AND SN 59198 (R5).

I HAVE ESTABLISHED THE NORTH LINE OF THE SUBJECT TRACT BY HOLDING THE MONUMENTS FOUND AT POINTS "A" AND "C", PER SN 66377 (R6).

I HAVE ESTABLISHED THE WEST LINE OF THE SUBJECT TRACT BY HOLDING THE MONUMENTS FOUND AT POINTS "A" AND "D", PER SN 66377 (R6).

I HAVE ESTABLISHED THE SOUTH LINE OF THE SUBJECT TRACT BY HOLDING THE MONUMENTS FOUND AT POINTS "B" AND "C", PER SN 66377 (R6).

I HAVE ESTABLISHED THE EAST LINE OF THE SUBJECT TRACT BY HOLDING THE MONUMENTS FOUND AT POINTS "C", "W", "Y", AND "Z", PER SN 66377 (R6).

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT AAV ONE, LLC, AN OREGON LIMITED LIABILITY COMPANY, THE OWNER OF THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT, MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON STATUTES. THIS PARTITION PLAT IS SUBJECT TO RESTRICTIONS AS NOTED HEREIN.

TINA LEI - MANAGING MEMBER.
AAV ONE, LLC

ACKNOWLEDGEMENT:

STATE OF OREGON }
COUNTY OF MULTNOMAH } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS
DAY OF MAY, 2019 BY TINA LEI,
MANAGING MEMBER OF AAV ONE, LLC, AN OREGON LIMITED
LIABILITY COMPANY, ON BEHALF.

NOTARY SIGNATURE
Tina M. Lowe
NOTARY PUBLIC - OREGON
COMMISSION NO. 96746A
MY COMMISSION EXPIRES: 05/05/2021

APPROVALS:

CITY OF PORTLAND LAND DIVISION CASE FILE LU 19-152634 LC

APPROVED THIS 11th DAY OF September, 2019
BY: [Signature]
CITY OF PORTLAND, PLANNING DIRECTOR'S DELEGATE

APPROVED THIS 27th DAY OF August, 2019
BY: [Signature]
CITY OF PORTLAND, CITY ENGINEER'S DELEGATE

APPROVED THIS _____ DAY OF _____, 2019
COUNTY SURVEYOR,
MULTNOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED
BY O.R.S. 92.095 HAVE BEEN PAID AS OF _____, 2019
DIRECTOR, DIVISION OF ASSESSMENT AND TAXATION
MULTNOMAH COUNTY, OREGON

BY: _____
DEPUTY

STATE OF OREGON }
COUNTY OF MULTNOMAH } SS

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS
RECEIVED FOR RECORD AND RECORDED _____, 2019 AT
O'CLOCK _____ M., AS PARTITION PLAT NO. _____

COUNTY RECORDING OFFICE
BY: _____
DEPUTY
DOCUMENT NO. _____

SURVEYED FOR:
AAV ONE, LLC
8733 SE DIVISION ST
PORTLAND, OR, 97266

NOTES:
THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY THE
CITY OF PORTLAND IN CASE FILE NO. LU 19-152634 LC.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Thomas G. Nelson
OREGON
THOMAS G. NELSON
#2351

RENEWAL 12/31/20

I HEREBY CERTIFY THIS IS A TRUE
AND EXACT COPY OF THE ORIGINAL
PARTITION PLAT

Tom Nelson & Associates, LLC
4838 NE SANDY BLVD, SUITE 200
PORTLAND, OREGON 97213
PHONE: (503) 236-1932



FILE: 17041
DRAWN BY: SRZ

DATE: APRIL 1, 2019
SHEET: 2 OF 2