



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** September 25, 2019  
**To:** Interested Person  
**From:** Sean Williams, Land Use Services  
503-823-7612 / [Sean.Williams@portlandoregon.gov](mailto: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 19-128844 LC**

#### **GENERAL INFORMATION**

**Applicant:** Vassilios Garyfallou  
3333 NE 13th Ave / Portland, OR 97212

**Owner:** Ekaterini T Garyfallou  
6170 SW Elm Ave / Beaverton, OR 97005

**Surveyor:** Benjamin Stacy, Casewell/Hertel Surveyors, Inc  
6150 SW 124th Ave / Beaverton, OR 97008

**Site Address:** 8124 SW BARBUR BLVD

**Legal Description:** BLOCK 27 LOT 5&6 LOT 7-9 EXC PT IN HWY, LOT 11-16 EXC PT IN HWY, CAPITOL HILL

**Tax Account No.:** R133904340

**State ID No.:** 1S1E21CA 09300

**Quarter Section:** 3827

**Neighborhood:** Hillsdale, contact at [contact@hna-pdx.com](mailto:contact@hna-pdx.com).

**Business District:** None

**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

**Zoning:** CM2- Mixed-Use Commercial

**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 historic Lots 5-9 and 11-16 (or portions thereof), Block 27, Capitol Hill into a single parcel. The purpose of this lot consolidation is to fulfill a

condition of City Council Ordinance 189030 which vacates a portion of SW Falcon Street east of SW Barbur Blvd.

**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.**

## ANALYSIS

**Site and Vicinity:** The site is currently development with a commercial building, constructed in 1970, with accessory parking. Interstate 5 is located east of the site. Development within the vicinity is primarily composed of commercial structures and uses along SW Barbur Boulevard.

**Zoning:** The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. 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 four 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, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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

- **LU 15-267919 AD:** Approval of four Adjustment requests to: Increase the maximum allowed height from 45 feet to 101 feet (33.130.210.B); Increase the maximum allowed building coverage from 85 percent to the site area to 86.9 percent (up to 89 percent if additional dedication is required), (33.130.220.B); Decrease the minimum required landscaping from 15 percent to 6.5 percent (33.130.225.B); and Decrease the Special Street Setback from 15 feet to between 0 and 13 feet (33.288.020.D).

**Agency and Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on April 23, 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:** 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 proposed site is in the CM2 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 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). The lot is of a sufficient size to accommodate a variety of commercial uses and development. In commercial zones there is a Minimum Front Lot Line Standard which is at least 10 feet long (33.613.100). The proposed lot exceeds this requirement.

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 in the CM2 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:** Conditions of previous land use approvals, identified on page 2 of this report, will continue to apply, and must be 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 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 historic Lots 5-9 and 11-16 (or portions thereof), Block 27, Capitol Hill. 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 requirements 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 5-9 and 11-16 (or portions thereof), Block 27, Capitol Hill into one parcel, as illustrated by Exhibit C.1, signed and dated September 23, 2019.

**Staff Planner: Sean Williams**

**Decision rendered by:**  **on September 23, 2019**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: September 25, 2019**

**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 (December 22, 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 March 6, 2019, and was determined to be complete on April 18, 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 March 6, 2019.

*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.3. Unless further extended by the applicant, **the 120 days will expire on: October 15, 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.

**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).

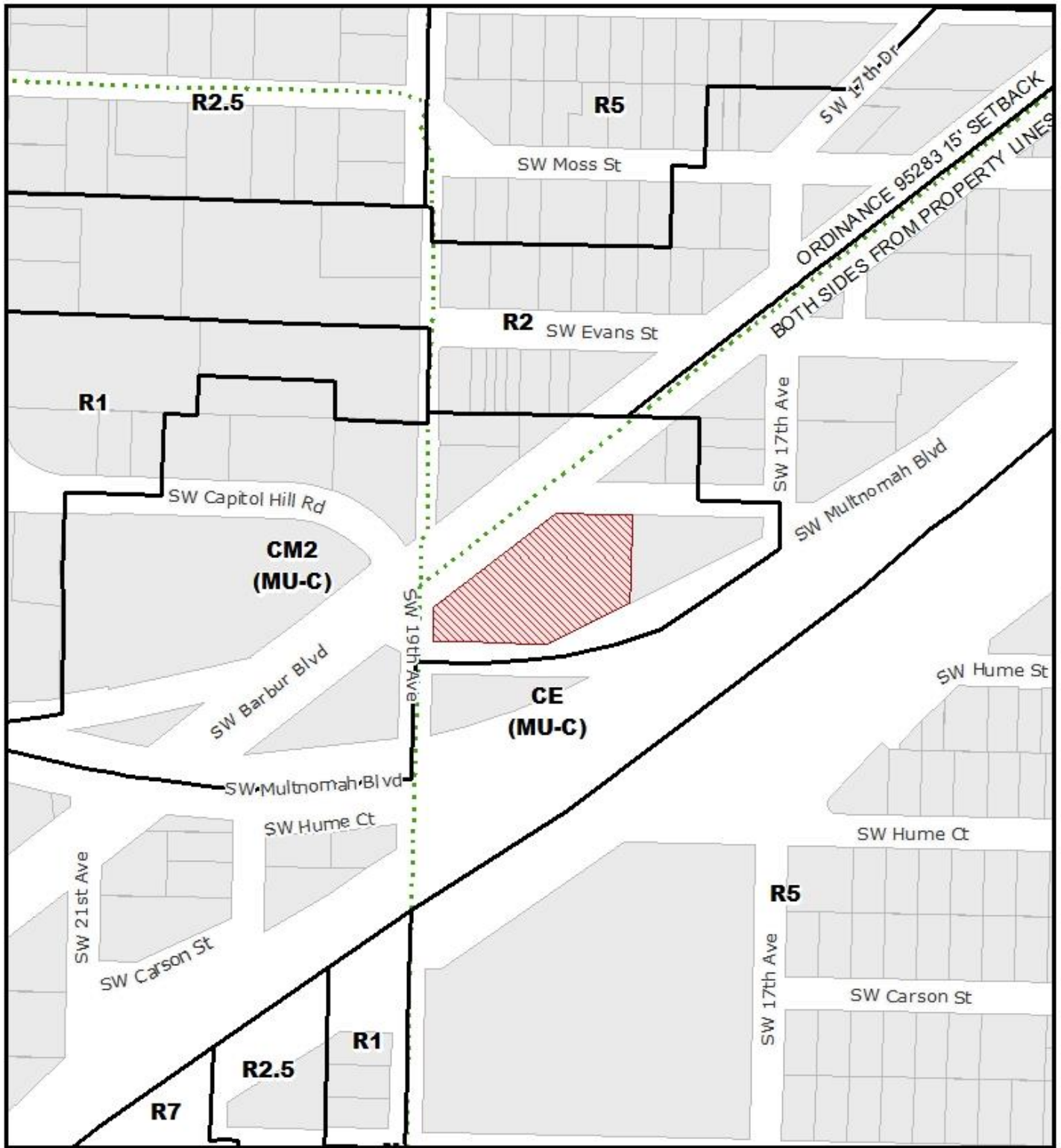
**Recording the Final Plat.** The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative
  - 2. Deed
  - 3. Request for extension of 120-day review period (8/9/19 & 9/3/19)
- 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. Water Bureau
  - 3. Bureau of Transportation Engineering and Development Review; Fire Bureau; Site Development Review Section of BDS; Life Safety Plans Examiner.
- F. Correspondence: NONE
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter

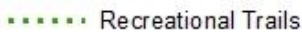
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



Site



Recreational Trails

File No.	LU 19-128844 LC
1/4 Section	3827
Scale	1 inch = 200 feet
State ID	1S1E21CA 9300
Exhibit	B Mar 08, 2019





**PARTITION PLAT NO.** \_\_\_\_\_

A REPLAT OF PORTIONS OF LOTS 7 - 9 AND 11, 12, 14 - 16, AND ALL OF LOTS 5, 6 & 13, BLOCK 27, "CAPITOL HILL" LOCATED IN THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 36N, RANGE 12E, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON DATE: MARCH 6, 2019

**SHEET 2 OF 2**

**PLAT NOTES**

- 1) THIS PLAT IS SUBJECT TO CONDITIONS IMPOSED BY THE CITY OF PORTLAND IN CASE FILE LU-19-128844 LC
- 2) THIS PLAT IS SUBJECT TO THE RULES OF TITLE TO MULTNOMAH COUNTY AS DESCRIBED IN BOOK 214, PAGE 302 RECORDED JUNE 28, 1933.

**DECLARATION**

KNOW ALL PEOPLE BY THESE PRESENTS THAT EKATERINI GARYFALLOU, TRUSTEE OF THE EKATERINI GARYFALLOU REVOCABLE LIVING TRUST DATED MARCH 1, 1999, IS THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY, SHE HAS CAUSED THE PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.

*E. Katerini Garyfallos*  
EKATERINI GARYFALLOU, TRUSTEE

**ACKNOWLEDGMENT**

STATE OF OREGON )  
COUNTY OF WASHINGTON )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 04 DAY OF SEPTEMBER, 2017 BY EKATERINI GARYFALLOU, TRUSTEE OF THE EKATERINI GARYFALLOU REVOCABLE LIVING TRUST DATED MARCH 1, 1999.

*Robert James White*  
NOTARY SIGNATURE  
**ROBERT JAMES WHITE**  
NOTARY PUBLIC - OREGON

COMMISSION NO. 990624  
MY COMMISSION EXPIRES: AUGUST 19, 2023

**CITY APPROVALS**

APPROVED THIS 23<sup>rd</sup> DAY OF September, 2019, CITY OF PORTLAND PLANNING

BY: *[Signature]*  
CITY OF PORTLAND PLANNING DIRECTOR'S DELEGATE

APPROVED THIS 18<sup>th</sup> DAY OF September, 2019

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

**COUNTY APPROVALS**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, COUNTY SURVEYOR, MULTNOMAH COUNTY, OREGON

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID AS OF \_\_\_\_\_, 20\_\_\_\_.

DIRECTOR, DIVISION OF ASSESSMENT AND TAXATION, MULTNOMAH COUNTY, OREGON

DEPUTY \_\_\_\_\_

STATE OF OREGON )  
COUNTY OF \_\_\_\_\_ )

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED AND RECORDED ON \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ AM AS PARTITION PLAT NO. \_\_\_\_\_, COUNTY RECORDING OFFICE

DEPUTY COUNTY CLERK \_\_\_\_\_  
DOCUMENT NUMBER \_\_\_\_\_

**CASWELL/HERTEL SURVEYORS INC.**  
10000 NE 17TH AVE  
BEAVERTON, OR 97008  
(503) 644-3179  
info@caswellhertel.com  
www.caswellhertelsurveyors.com

REGISTERED PROFESSIONAL LAND SURVEYOR  
*[Signature]* 9-9-19  
OREGON LAND SURVEYORS  
BENJAMIN S. STACY  
57181  
RENEWS: 6/30/2020