



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

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Date: December 20, 2019
To: Interested Person
From: Diane Hale, 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 19-171280 LC

GENERAL INFORMATION

Applicant: Jeffrey R Shoemaker, DOWL (971) 280-8646
720 SW Washington St #750 / Portland, OR 97205

Owner' Rep: John Millham, Prometheus Real Estate Group, Inc.
1900 S Norfolk Sreett, Ste 150 / San Mateo CA 94403

Owner: PREG NW Portland LLC (Sunset Ridge Development Co Managing Member) / 1900 S Norfolk Street, Ste 150 / San Mateo, CA 94403

Site Address: 1650 NW 21ST AVE
Legal Description: INC PT VAC ST BLOCK 292 EXC PT IN ST, COUCHS ADD
Tax Account No.: R180230390
State ID No.: 1N1E28CD 02400
Quarter Section: 2827
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Zoning: CM3dm (MU-U) – Commercial Mixed Use 3 with a “d” Design Overlay and a “m” Centers Main Street Overlay.

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 proposes a Lot Consolidation that will result in two parcels. Parcel 1 will consist of historic lots 9 to 14 and 15 to 18 except the part in street (NW 21st Ave) of Block 292 of Couch Addition. Parcel 2 will consist of historic lots 1 to 8 including part of the vacated street (NW Savier St) of Block 292 of Couchs Addition. The lot consolidation is in

preparation for a future Property Line Adjustment and new development on the site. Any future land use processes and/or development are not 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 Block 292, Couchs Addition, which has frontage on NW Savier Street, NW 21st Avenue, NW Raleigh Street and NW 20th Avenue. The site was vacant at the time of the lot consolidation application. A 6-story apartment building with 177 housing units, retail space and 2 levels of parking is currently under construction on the western part of the site (18-278357 CO).

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 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 291 (south) and 292 (north) – within the Con-way Master plan area.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on October 18, 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.
- 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;
- 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;
- 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;
- 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: The subject property is in the CM3 zone, so the consolidated lots (Parcels 1 and 2) must meet the standards in Chapter 33. 613 or one of the noted exceptions, above.

The proposed consolidated lots meet the lot dimension standards of the CM3 zone as shown in the following table (this information is found in section 33.613.100 of the Zoning Code):

	CM3 Zone Requirement	Parcel 1 (after consolidation)	Parcel 2 (after consolidation)
Minimum Lot Area	NA	51,400 square feet	43,870 square feet
Maximum Lot Area	NA		
Minimum Lot Width*	NA	NA	NA
Minimum Front Lot Line	10 feet	200 feet	169 feet
Minimum Lot Depth	NA	NA	NA

* Width is measured at the minimum front building setback line

The proposed site is in the CM3 zone. 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). A new mixed use building is under construction on the site. The Bureau of Development Services approved the development under 18-278357 CO. There is no additional development proposed on the consolidated lot at this time. 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 parcels have a front lot line that is at least 10 feet long, as shown above.

As noted herein, the proposed consolidated lots meet the standards of Chapter 33.613. None of the exceptions are applicable. Therefore, this criterion is met.

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, 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 historic lots 5 to 14 and portions of historic lots 1 to 4 and 15 to 18 of Block 292, Couch's Addition, together with a portion of vacated NW Savier Street, into two parcels. 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 two parcels of historic lots 5 to 14 and portions of historic lots 1 to 4 and 15 to 18 of Block 292, Couch's Addition, together with a portion of vacated NW Savier Street, as illustrated by Exhibit C.1, signed and dated December 18, 2019.

Decision rendered by:  on December 18, 2019

By authority of the Director of the Bureau of Development Services

Decision mailed December 20, 2019

Staff Planner: Diane Hale

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 (BY March 19, 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 May 29, 2019, and was determined to be complete on October 1, 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 May 29, 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 did not waive or extend the 120-day review period. The 120 days will expire on January 29, 2020.

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

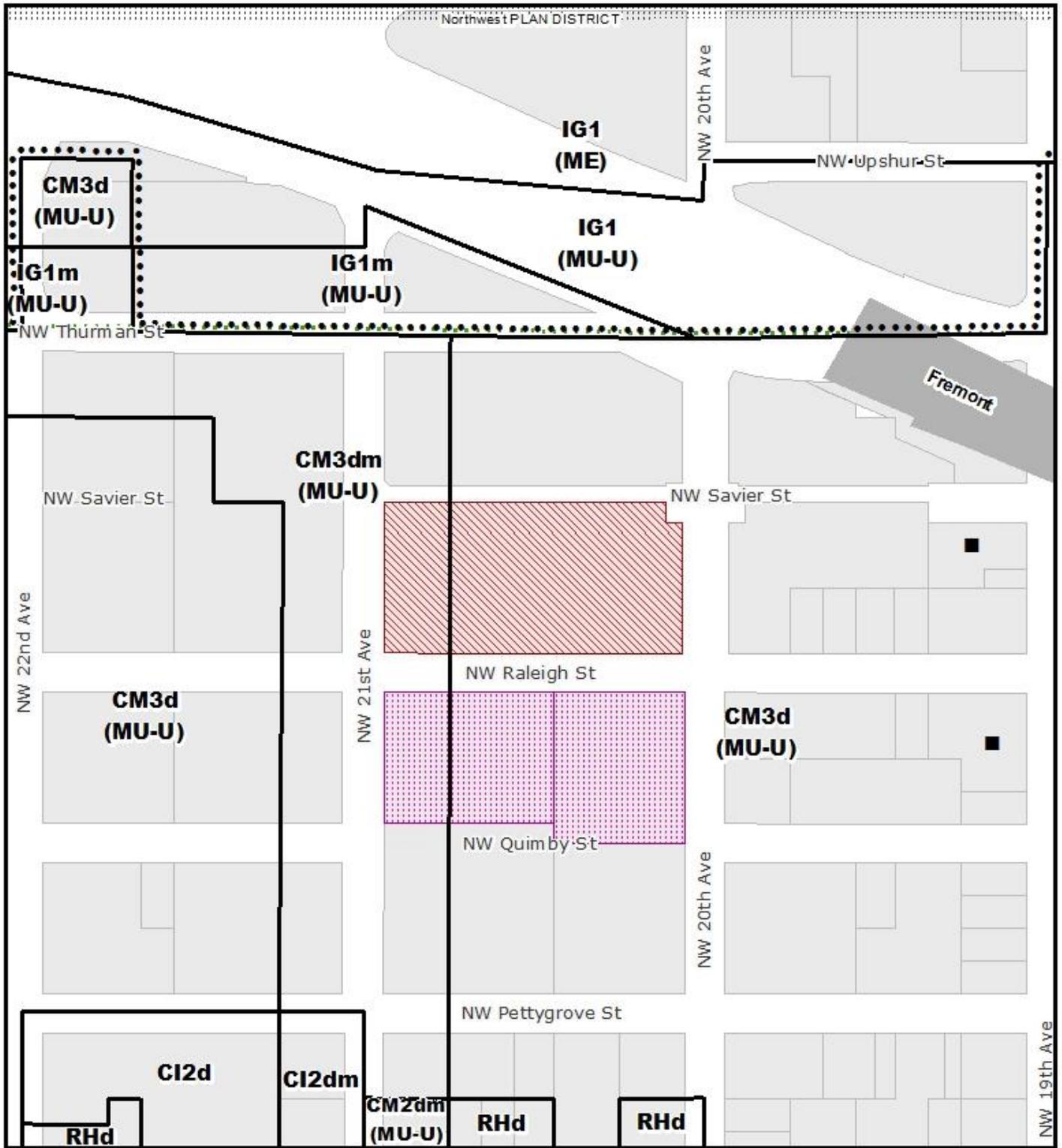
- A. Applicant's Statement
 - 1. Applicant's original submission
 - 2. Applicant's submission – October 1, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat (attached)
 - 2. Existing Conditions Survey
 - 3. Original Plat
 - 4. County tax map
- D. Notification information:
 - 1. 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: 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. If you need special accommodations, please call 503-823-0625 (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 19-171280 LC
1/4 Section	2827
Scale	1 inch = 200 feet
State ID	1N1E28CD 2400
Exhibit	B Jun 03, 2019

