



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

Date: July 1, 2020
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 19-169079 LC

Applicant: Cynthia Schuster | LRS Architects
 720 NW Davis St, Suite 300 | Portland, OR 97209
 503-265-1530 | cshuster@lrsarchitects.com

Owner: Chevalier Portland Laurelhurst LLC
 3060 SE Stark St | Portland, OR 97214-3053

Representative: David Econome | Chevalier Laurelhurst LLC
 601 University Avenue, Suite 125 | Sacramento, CA 95825

Site Address: 3060 SE STARK ST

Legal Description: BLOCK 3 LOT 5 W 12.67' OF LOT 11&12, SUNNYSIDE & PLAT 2 & 3; BLOCK 3 E 16 2/3' OF LOT 2 LOT 3, SUNNYSIDE & PLAT 2 & 3; BLOCK 3 LOT 6 W 9' OF LOT 7-9, SUNNYSIDE & PLAT 2 & 3; BLOCK 3 E 50' OF W 59' OF LOT 7-9 LOT 10, SUNNYSIDE & PLAT 2 & 3; BLOCK 3 E 41' OF LOT 7-9, SUNNYSIDE & PLAT 2 & 3; BLOCK 4 TL 500, SUNNYSIDE & PLAT 2 & 3; BLOCK 5 INC PT VAC ST LOT 1-4, SUNNYSIDE & PLAT 2 & 3; BLOCK 5 INC PT VAC ST LOT 5, SUNNYSIDE & PLAT 2 & 3; BLOCK 5 INC PT VAC ST LOT 6, SUNNYSIDE & PLAT 2 & 3; BLOCK 5 INC PT VAC ST LOT 7, SUNNYSIDE & PLAT 2 & 3; BLOCK 5 INC PT VAC ST LOT 8, SUNNYSIDE & PLAT 2 & 3; TL 14300 4.27 ACRES, SECTION 01 1S 1E; TL 14200 0.18 ACRES, SECTION 01 1S 1E; TL 14100 0.11 ACRES, SECTION 01 1S 1E

Tax Account No.: R810400380, R810400400, R810400420, R810400440, R810400450, R810400490, R810400600, R810400640, R810400650, R810400660, R810400670, R991010090, R991013400, R991013410

State ID No.: 1S1E01BA 00800, 1S1E01BA 00400, 1S1E01BA 00300, 1S1E01BA 00200, 1S1E01BA 00100, 1S1E01BA 00500, 1S1E01BA 13000, 1S1E01BA 13100, 1S1E01BA 13200, 1S1E01BA 13300, 1S1E01BA 13400, 1S1E01BA 14300, 1S1E01BA 14200, 1S1E01BA 14100

Quarter Section: 3133
Neighborhood: Sunnyside, contact at board@sunnysideportland.org
Business District: Belmont Business Association, contact info@belmontdistrict.org.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313.

Zoning: R2 (Multi-Family Residential 2,000 sq. ft.)
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 to consolidate underlying historic lots on the site into 3 parcels. The applicant has indicated that the Lot Consolidation is in preparation for future Property Line Adjustment between the new parcels which will be done in association with the existing Conditional Use on the site for Laurelhurst Village (Group Living) which was last reviewed under LU_15_279171 CU AD. No new development is proposed at this time, just re-establishment and consolidation of existing historic lot lines on the site into a total of 3 parcels.

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: As indicated in a prior land use decision for this site (LU 15-279171 CU AD): *The site is a 6.16-acre property that has been in continuous use as a group living site, with care for the aged and/or infirm since it was established in 1887 as Mount St. Joseph, the largest and oldest long-term care facility in the state of Oregon. The north edge of the site fronts onto SE Stark Street and the majority of the development is oriented toward this street frontage. The site has some significant topography in areas, and rises 10 to 15 feet above the sidewalk level of SE Stark Street. The area surrounding the Laurelhurst Village Center is diverse in its development age and architectural character, as well as in types of use and zoning. Along SE Stark Street to the west of the site, the uses become increasingly more concentrated and active as one approaches the commercial node at the intersection of SE Stark and 28th Street, two blocks to the west.*

Zoning: The R2 designation is one of the City's multi-dwelling zones which is intended to create and maintain higher density residential neighborhoods. The zone implements the comprehensive plan policies and designations for multi-dwelling housing.

Please note: The site is currently zoned RM1 (Residential Multi-Dwelling 1). The land use application was submitted prior to the change in zoning; therefore, this application is being reviewed against the R2 zoning designation as described above for the purposes of this review.

Land Use History: LU 15-279171 CU AD was the most recent land use review approved on this site. Please refer to that land use decision for a comprehensive summary of prior land use history for this site which is extensive. LU 15-279171 CU AD approved the expansion of the existing conditional use on the site along with Adjustments to new development associated with the expansion.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on July 15, 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 R2 zone, so the consolidated lots (Parcels 1-3) must meet the standards in Chapter 33.612 or one of the noted exceptions, above. The lots meet the standards of 33.612 (without any exceptions).

The site is currently utilized as Group Living as approved per the prior Conditional Use approval which is still in effect and is not impacted by this review. The R2 zone has a minimum density requirement of one unit per 2,500 square feet of overall lot area. The minimum lot size in the R2 zone for multi-family development (required if minimum density requires 3 or more dwelling units on a lot in R2 zone) is a minimum lot area of 4,000 sq. ft., minimum front lot line of 30 feet, minimum lot width of 33 feet and minimum lot depth of 70 feet. Each lot (Parcels 1-3) meets the minimum lot dimension standards for the R2 zone for multi-family development as specified above.

The site 6.48-acre site has a minimum density of 113 units (282,553 sq. ft./2,500) if developed under R2 zoning. The three lots proposed would also allow a minimum of 113 units if residential development were proposed per the R2 zoning. Therefore, this proposal maintains the minimum density in the R2 zone and meets the applicable lot size standards.

As noted herein, the proposed consolidated lots meets the standards of Chapter 33.612. 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 that impact this proposal, 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: The conditions of the prior land use approvals continue to apply for the allowed conditional use on the site. Any expansions of this use will require additional conditional use approval.

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.

It should be noted that the Water Bureau, Bureau Environmental Services (BES) and Life Safety required the applicant to record a covenant to not sell the three parcels separately (exhibit A.4) that will not be released by the City until all applicable Water Bureau, BES and Building code (Life Safety) requirements are met in correlation with future development on the site based on the lot configuration.

The purpose of the Lot consolidation was to facilitate a future property line adjustment between two of the lots in correlation with future development associated with the existing conditional use on the site. Any expansion of new development associated with the current use would be required to be reviewed and approved by the City under a future conditional use review. The covenant would ensure the site remains as one under common ownership until applicable City requirements are met. This is necessary since a portion of a building and utilities cross some of the lot lines being consolidated.

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 a combination of historic lots into three 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 three separate parcels out of a combination of historic lots as illustrated by Exhibit C.1, signed and June 25, 2020.

Decision rendered by: S. Burgett **on June 25, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed July 1, 2020

Staff Planner: Shawn Burgett

About this Decision. This land use decision is **not a permit** for development. **THE SIGNED PLAT MUST BE RECORDED WITH MULTNOMAH COUNTY DEED RECORDS WITHIN 90 DAYS OF THE DATE OF THIS DECISION (9/23/20), 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 23, 2019, and was determined to be complete on July 3, 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 23, 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 extended the 120-day review period the maximum allowed of 245 days, as stated with Exhibit A.5.

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.

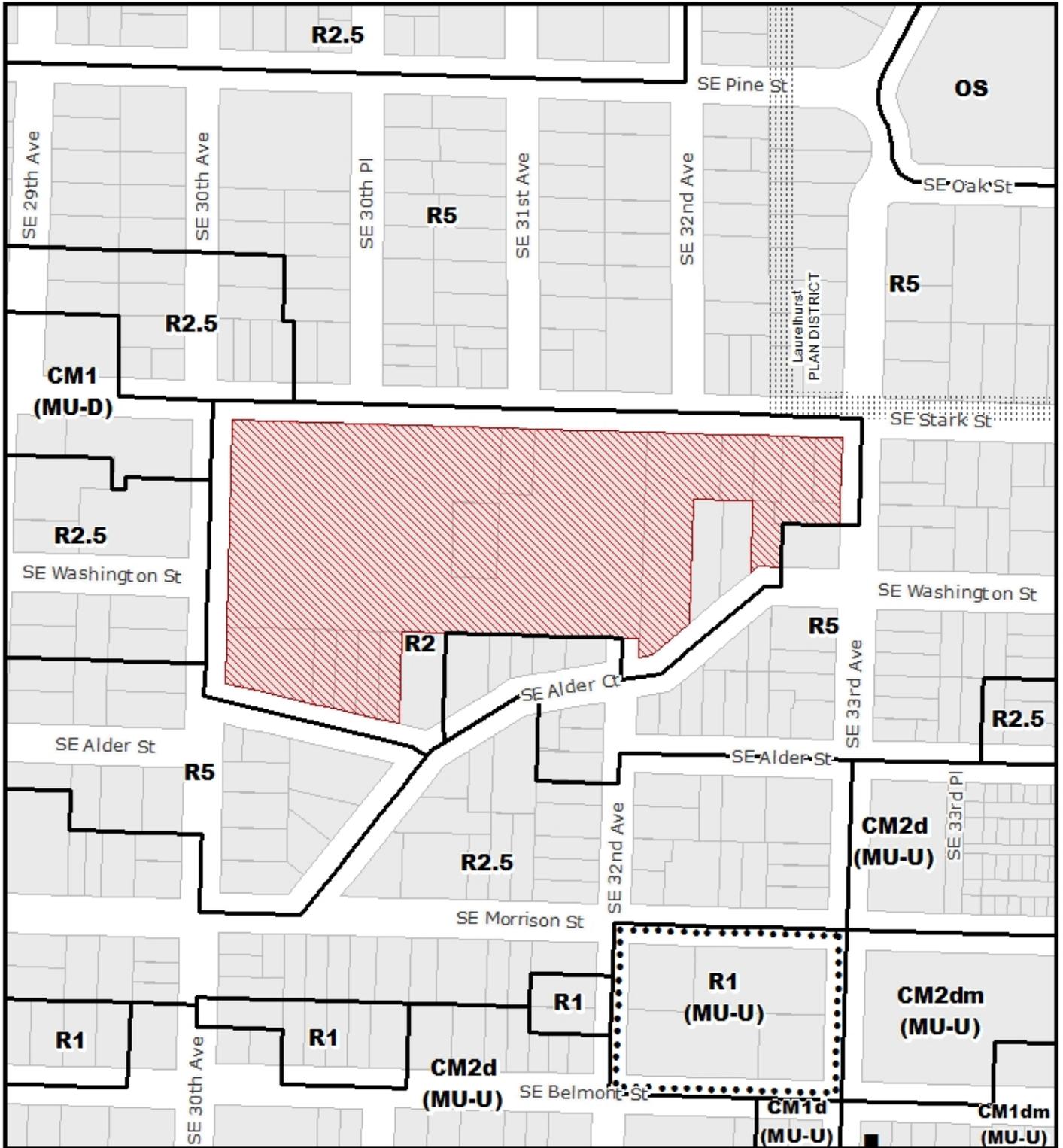
If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Survey submitted 5/23/19
 - 3. Supplemental Survey submitted 5/23/19
 - 4. Covenant Not to Sell Separately, recorded Multnomah County records #2020-063015
 - 5. 245-day extensions to 120-day clock
- 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. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter dated 6/13/19

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  NORTH

-  Site
-  Historic Landmark

File No.	LU 19-169079 LC
1/4 Section	3133
Scale	1 inch = 200 feet
State ID	1S1E01BA 14300
Exhibit	B May 28, 2019

