



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

Carmen Rubio, Commissioner
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Date: June 7, 2023
To: Interested Person
From: Sean Williams, 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 22-201716 RP

GENERAL INFORMATION

Representative: Danelle Isenhardt
Emerio Design
6445 SW Fallbrook Place, #100
Beaverton, OR 97008
(503) 880-4979 / danelle@emeriodesign.com

Applicant: Natalie Wood, Executive Director
Catholic Charities
2740 SE Powell Blvd.
Portland, OR 97202
503-231-4866 / housing@ccoregon.org

Owner/Agent: Rev. George Kuforiji
St. Francis of Assisi Catholic Church Portland Oregon
330 SE 11th Avenue
Portland, OR 97214-1317

Site Address: 1131 SE Oak Street

Legal Description: BLOCK 240 LOT 1-3 INC PT VAC ST LOT 4&5, LOT 6-8, EAST PORTLAND

Tax Account No.: R226515990

State ID No.: 1N1E35CD 09100

Quarter Section: 3031

Neighborhood: Buckman, contact Nick Olson at buckmanlandusepdx@gmail.com

Business District: Central Eastside Industrial Council, contact ceic@ceic.cc

District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: Central City - Central Eastside

Zoning: Central Employment (EX) w/ Design (d) Overlay
Case Type: Replat Review (RP)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to replat the existing historic lots (East Portland Addition, Block 240, Lots 1-8) within the site. The existing lot lines will be removed or reconfigured resulting in a total of 3 parcels, which will be 22,532 (Parcel 1), 10,723 (Parcel 2), and 5,745 (Parcel 3) square feet in size. A Lot Confirmation & Property Line Adjustment (22-202718 PR) application will separate the southernmost portion of the site prior to the Replat.

The existing church building will be retained on Parcel 1. The two multi-unit residences located south of the church will eventually be removed as a part of redevelopment of the site. No development is being reviewed or approved as a part of this Replat.

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, Replat Approval Criteria.**

FACTS

Site and Vicinity: The site is located on the south side of SE Pine Street between SE 11th and 12th Avenues. Existing development consists of a church that will remain and two multi-unit residences that are proposed to be demolished as a part of the redevelopment of the site with a 61-unit affordable housing building. The surrounding area is comprised of a mix of uses including retail, office, institutional, residential and light industry.

Zoning: 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 development standards are intended to allow new development which is similar in character to existing development.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that: Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change; Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Central Eastside Subdistrict of this plan district.

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

- **LU 22-201717 AD:** Approval of an Adjustment to parking area setbacks and landscaping associated with an existing parking lot and driveway that will remain on Parcel 1 of this Replat.

- **LU 22-183003 DZM:** Approval of a design review with modifications for a new 4-story 61-unit affordable housing building, including supportive services in the Central City Plan District and Central Eastside Sub-District
- **LU 15-208454 DZM:** (South portion of Superblock) Design review for a 106-unit affordable housing project on a 1-acre site presently occupied by St Francis Park on SE Stark St between SE 11th and 12th Ave. The 52-foot tall building will result in a total of 73,000 gross square feet and feature apartments over ground floor active use (community room, office, lobby, etc.) on SE Stark St. The U-shaped building will partially surround a 6,300 SF multi-use plaza oriented northward toward the vacated SE Oak St ROW. Pre-Application Conference for a Type III Design Review for a mixed use-development including 11,688 square feet of ground floor commercial space, with 8 townhouse-style units fronting SE 11th Ave, and 144 residential units on the upper four floors. On-site parking for 69 vehicles and on-street parking, accessed from the previously vacated SE Oak St is also proposed. No on-site loading is proposed
- **LUR 97-00400 DZ:** Creation of the park and pedestrian accessways on this lot, after vacation of SE Oak Street.

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 **February 27, 2023**. No written responses have been received from the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

REPLAT

33.675.300 Approval Criteria

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

- A. Lots.** The replatted lots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:
1. Lot dimension standards.
 - a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:
 - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
 - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;
 - b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;
 - c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:
 - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
 - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and

- (3) The lot or adjusted lot has an average slope of less than 25 percent;
2. Maximum density. If the replat does not move the site further out of conformance with maximum density requirements, the replat does not have to meet maximum density requirements;
3. Lots without street frontage. If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;
4. Through lots. If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;
5. Split zoning. If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.

Findings: The proposed site is in the Central Employment (EX) zone. In the EX zone, each lot must have a front lot line that is at least 10 feet long. There are no other required minimum lot dimensions (33.614.100.C). Per Exhibit C.1, proposed Parcels 1 through 3 each have a front lot line well in excess of 10-feet. As noted herein, the proposed replatted parcels meet the standards of Chapter 33.614. None of the exceptions are applicable. Therefore, this criterion is met.

B. Development standards. If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.

Findings: The existing church to be retained on Parcel 1 is in conformance with applicable development standards with the exception of parking area setbacks and landscaping associated with an existing parking lot and driveway, for which an Adjustment review was approved (LU 22-201717 AD).

Demolition permits (22-209804 CO & 22-209837 CO) are under review for the two multi-unit residences on the site, but they will remain through this review. As such, the applicant has recorded a covenant not to sell separately (2023-030708) that will remain in effect until final inspection approval of the noted demolition permits. Therefore, this criterion is met.

C. Conditions of land division approvals. The replat 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 reconfigured.

Findings: There are no previous land division approvals for this site, therefore this criterion does not apply.

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

Findings: Conditions of prior land use approvals identified on pages 2 and 3 of this decision continue to apply.

E. Services. The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

Findings: The Bureau of Environmental Services has reviewed the proposal for impacts on sanitary sewer and stormwater management services (Exhibit E.1):

1. *Sanitary Sewer Service: For the proposed replat to be approved, the applicant must demonstrate that the replat does not eliminate the availability of sanitary service to the lots and that the reconfigured lots are not out of conformance with BES requirements for sanitary sewage disposal.*
 - a. *Existing Development Conformance: According to City records, the two existing buildings on the southern portion of the site have sanitary connections to the combined sewer in the vacated portion of SE Oak St (Tract 2) via laterals located approximately 108 feet and 210 feet west of the maintenance hole (ID APZ800) in SE Oak St east of SE 12th Ave. The as-built records for the combined sewer in SE Pine St indicate the larger building on the northern portion of the site has lateral connections at 47.5 feet, 57 feet, 79.5 feet and 158 feet east of the maintenance hole (ID APD159) near the intersection of SE 11th Ave. BES understands the existing buildings on the southern portion of the site will be demolished and the larger building on the northern portion of the site will remain and be within the bounds of proposed Parcel 1. Based on the above information, the lateral locations do not appear to conflict with the replatted property lines; therefore, the lots do not move out of conformance with BES requirements for sanitary service.*
 - b. *Sanitary Service Availability: Currently, proposed Parcel 1 has access to the combined sewer in SE Pine St. Parcel 2 and Parcel 3 have access to the combined sewer within the vacated portion of SE Oak St (Tract 2) via laterals located within private sewer easements across Tract 2 and within the frontage of each parcel (as established through the associated Property Line Adjustment case #22-202718-PR). Based on this information, the proposed replatted lot configuration does not change the availability of sanitary services to the lots.*

Staff finds the sanitary sewer services acceptable for the purpose of reviewing the replat application against the sanitary sewer disposal approval criterion.

2. *Private Property Stormwater Management: For the proposed replat to be approved, the applicant must demonstrate that the replat does not eliminate the availability of storm service to the lots and that the reconfigured lots are not out of conformance with BES requirements for stormwater management.*
 - a. *Existing Development Conformance: According to the submitted survey, scope report, and photos, the building on the northern portion of the site (to remain on proposed Parcel 1) discharges stormwater from downspouts to a drywell and to lawn areas. The location of the storm system does not appear to conflict with the replatted property lines. The two buildings on the southern portion of the site discharge stormwater to the combined sewer in the vacated portion of SE Oak St or from downspouts to the ground. As BES understands these two buildings will be demolished, BES does not have concerns related to stormwater management conformance.*
 - b. *Storm Service Availability: Currently, the proposed parcels do not have access to a public storm-only sewer system. If onsite stormwater management is not feasible, the combined sewers as described above can serve as a stormwater discharge location. Based on this information, the proposed replatted lot configuration does not change the availability of storm service to the lots.*

Staff finds the stormwater management systems acceptable for the purpose of reviewing the replat application against the stormwater management approval criterion.

The Water Bureau has reviewed the proposal for impacts on water service (Exhibit E.3):

Water can support the proposed Replat.

Parcel 1 - The 2" meter and service in SE 12th may be used for the existing structure. Water is available to this site from the 12" cast iron water main in SE 12th Avenue and the 6" CI main in SE Pine

Parcel 2 – The two 1" metered service may be used for new development. If the services are not used for the new development, they must be removed at the time new services are installed. If the services are used for the new development, the meter sizes will be reviewed for adequacy. If found to be inadequate the applicant will be responsible for all fees to upsize the service.

Water is available to this site from the 8" cast iron main in SE 11th Avenue and the 6" CI main in SE Pine

Parcel 3 - The existing ¾" metered service may be used for new development. If the services are not used for the new development, they must be removed at the time new services are installed. If the services are used for the new development, the meter sizes will be reviewed for adequacy. If found to be inadequate the applicant will be responsible for all fees to upsize the service.

Water is available to this site from the 8" cast iron main in SE 11th Avenue

As noted above, the replat will not eliminate the availability of services to the parcels and the reconfigured parcels will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management. This criterion 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.

OTHER TECHNICAL REQUIREMENTS

Technical decisions have been made as part of this review process. These decisions have been made based on other City Titles, adopted technical manuals, and the technical expertise of appropriate service agencies. These related technical decisions are not considered land use actions. If future technical decisions result in changes that bring the project out of conformance with this land use decision, a new land use review may be required. The following is a summary of technical service standards applicable to this replat proposal.

Bureau	Code Authority and Topic
Development Services/503-823-7300 www.portlandonline.com/bds	Title 24 – Building Code, Flood Hazard, Clearing and Grading Title 10 – Erosion Control, Site Development Administrative Rules for Private Rights-of-Way OAR 340-071 and OAR 340-073 – Onsite Wastewater Treatment Systems
Environmental Services/503-823-7740 www.portlandonline.com/bes	Title 17 – Sewer Improvements Stormwater Management Manual
Fire Bureau/503-823-3700 www.portlandonline.com/fire	Title 31 – Fire Regulations City of Portland Fire Code
Transportation/503-823-5185 www.portlandonline.com/transportation	Title 17 – Public Right-of-Way Improvements Transportation System Plan

Urban Forestry (Parks)/503-823-4489 www.portlandonline.com/parks	Title 11 –Trees
Water Bureau/503-823-7404 www.portlandonline.com/water	Title 21 – Water availability

As authorized in Section 33.800.070 of the Zoning Code, conditions of approval related to these technical standards may be included in the Administrative Decision on this proposal.

CONCLUSIONS

The applicant proposes to replat historic lots (East Portland Addition, Block 240, Lots 1-8) into 3 parcels. No City Bureaus raised objection to the proposal. As discussed above, the requested replat has been reviewed and shown to be able to meet all the requirements as laid out in Section 33.675.300.

ADMINISTRATIVE DECISION

Approval of a replat to create 3 parcels of historic East Portland Addition, Block 240, Lots 1-8, as illustrated by Exhibit C.1, signed and dated June 5, 2023.

Staff Planner: Sean Williams

Decision rendered by:  **on June 5, 2023**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 7, 2023

About this Decision. This land use decision is **not a permit** for development. **THE SIGNED PARTITION PLAT MUST BE RECORDED WITH MULTNOMAH COUNTY DEED RECORDS WITHIN 90 DAYS OF THE DATE OF THIS DECISION (SEPTEMBER 3, 2023), OR THIS DECISION WILL BECOME NULL AND VOID.** Permits may be required prior to any work. Contact Permitting Services at 503-823-7357 for information about permits.

Procedural Information. The application for this land use review was submitted on November 8, 2022, and was determined to be complete on February 21, 2023.

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 November 8, 2022.

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. Unless further extended by the applicant, **the 120 days will expire on: June 21, 2023**

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.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Title Report
 - 3. Vesting Deed
 - 4. GATR/PHB Funded Project Verification
 - 5. Incomplete Letter Response
 - 6. Recorded Covenant Not to Sell Separately
 - 7. Recorded Covenant for Future private Sewer Easement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Signed Plat (attached)
 - 2. Supplemental Survey
 - 3. Historic Plat
- 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; Site Development Review Section of BDS
 - 5. 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).