



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

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Date: July 31, 2019
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 18-277836 LC

GENERAL INFORMATION

Applicant: David West, Innovative Housing, Inc
219 NW 2nd Ave / Portland, OR 97209-3905
(503) 226-4368
Sarah Stevenson, Eliot Housing Inc
219 NW 2nd Ave / Portland, OR 97209

Owner: Eliot Housing Lp
219 NW 2nd Ave / Portland, OR 97209-3905
Innovative Housing, Inc
219 NW 2nd Ave / Portland, OR 97209-3905

Site Address: 3250-3256 NE Martin Luther King Boulevard

Legal Description: BLOCK 12 LOT 3&4 TL 6600 POTENTIAL ADDITIONAL TAX, ALBINA; BLOCK 12&13 TL 4400 POTENTIAL ADDITIONAL TAX, ALBINA

Tax Account No.: R009603740, R009604000
State ID No.: 1N1E26BB 06600, 1N1E26BB 04400
Quarter Section: 2731

Neighborhood: Eliot, contact at lutcchair@eliotneighborhood.org.
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Plan District: Albina Community
Zoning: High Density Residential (RH) w/ Design (d) overlay
Case Type: Lot Consolidation (LC)
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is proposing to consolidate the following historic lots within this site into two parcels in order to facilitate a Property Line Adjustment (18-220858 PR):

- **Parcel 1:** Lots 1-4, Block 13 and a portion of Lots 4 and 5, Block 12 of Albina;
- **Parcel 2:** Lot 3 and a portion of Lots 4 and 5, block 12 of Albina.

The Property Line Adjustment is not a 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 Standards**.

ANALYSIS

Site and Vicinity: The site has frontage on NE Cook Street to the north, NE Martin Luther King Jr. Boulevard to the west, and NE Fargo Street to the south. Proposed consolidated Parcel 1 is developed with a multi-dwelling structure and proposed consolidated Parcel 2 is currently being under construction with a similar development.

Zoning: The RH zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

The Albina Community plan district implements the Albina Community Plan. The plan district’s provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling housing projects. The plan district’s provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

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

- **LU 12-118607 DZ:** Approval for 50-unit residential development with 1,500 SF of retail at the ground level and 15 parking spaces in the Albina Plan District.
- **LU 16-202393 DZ CU:** Approval of the addition of an RF equipment structure to the roof of the existing five story apartment building immediately adjacent to NE Martin Luther King Jr. Blvd.
- **LU 18-178869 AD:** Approval of an Adjustment to reduce the minimum width of 5 of the 8 new parking spaces from 8’-6” to 8’. Approval of an Adjustment to reduce the length of the Standard B loading space from 18 feet to 16 feet.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on January 8, 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 site is in the RH 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. The proposed consolidated parcels meet the lot dimension standards of the RH zone as shown in the following table (this information is found in Table 612-1 of the Zoning Code):

Multi-Dwelling Structures or Development	RH Zone Requirement	Parcel 1 (after consolidation)	Parcel 2 (after consolidation)
Minimum Lot Area	10,000 square feet	22,598 square feet	16,962 square feet
Minimum Lot Width*	70 feet	109 feet	122 feet
Minimum Front Lot Line	70 feet	109 feet	122feet
Minimum Lot Depth	100 feet	198 feet	148 feet

* Width is measured at the minimum front building setback line

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: Both consolidated parcels are either developed or under construction with multi-dwelling structures. Maximum density will not be exceeded by consolidating the historic lots that currently make up this site.

- 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 the proposed consolidated parcels will not be through lots. 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 reviews, identified on page 2 of 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 is proposing to consolidate the following historic lots within this site into two parcels:

- **Parcel 1:** Lots 1-4, Block 13 and a portion of Lots 4 and 5, Block 12 of Albina;
- **Parcel 2:** Lot 3 and a portion of Lots 4 and 5, block 12 of Albina.


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, as illustrated by Exhibit C.1, signed and dated July 26, 2019, subject to the following condition:

- A.** Prior to final inspection approval of 18-260693 CO, Property Line Adjustment 18-220858 PR shall be approved and recorded.

Staff Planner: Sean Williams

Decision rendered by:  **on July 29, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 31, 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 (October 29, 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 December 13, 2018, and was determined to be complete on January 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 December 13, 2018.

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.2. Unless further extended by the applicant, **the 120 days will expire on: August 1, 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.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

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.

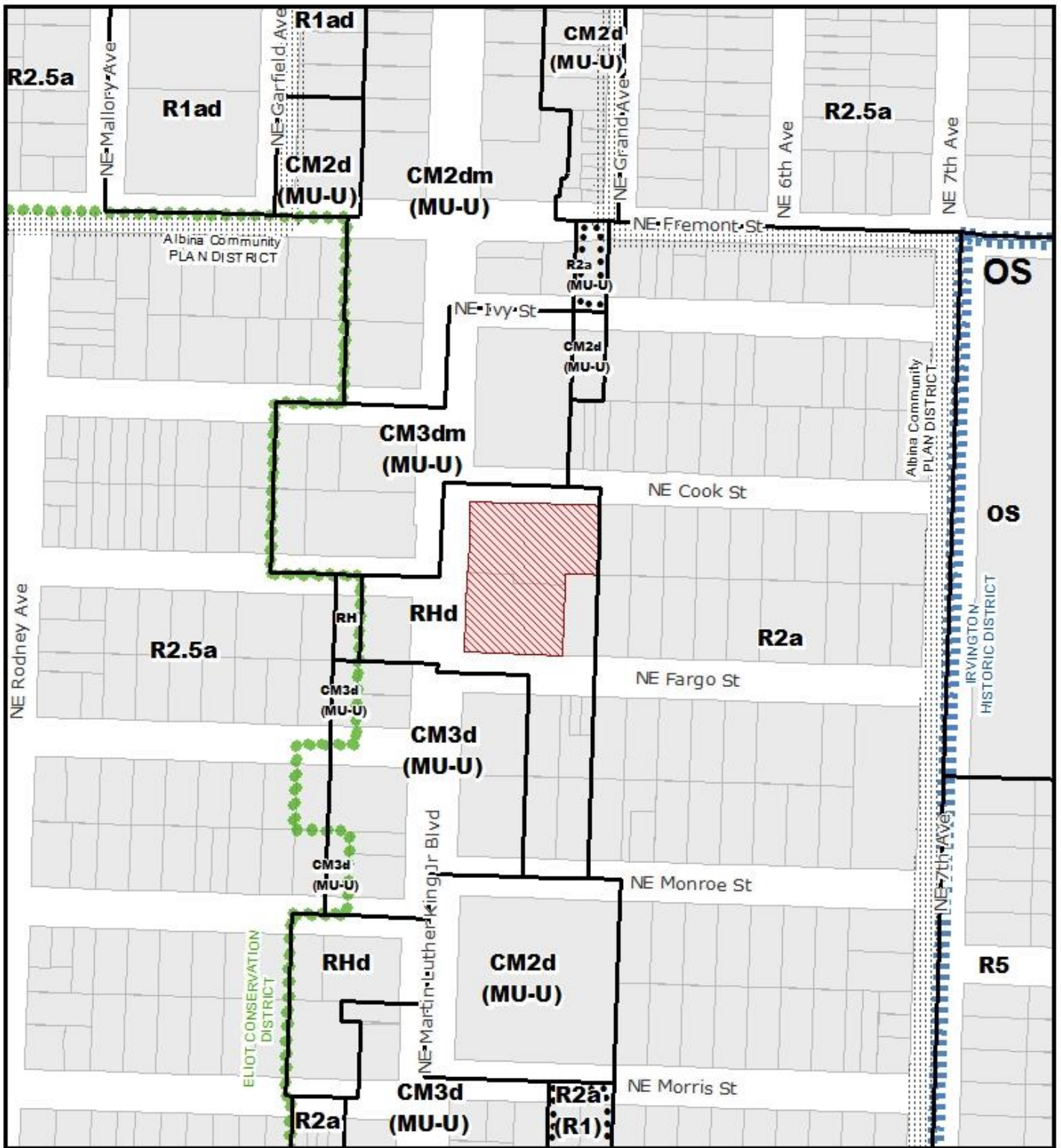
Recording the Final Plat. The signed plat must be recorded by the applicant with the County Deed Records within 90 days following approval by the Bureau of Development Services or the approval will be null and void.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Request for extension of 120-day review period
 - 3. Title report
- 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. Life Safety Plans Examiner
 - 3. Water Bureau
 - 4. Bureau of Transportation Engineering and Development Review; Fire Bureau; Site Development Review Section of BDS
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application

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



THIS SITE LIES WITHIN THE:
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 18-277836 LC
1/4 Section	2731
Scale	1 inch = 200 feet
State ID	1N1E26BB 4400
Exhibit	B Dec 18, 2018

