

FROM CONCEPT TO CONSTRUCTION

Date:	January 26, 2016
-------	------------------

To: Interested Person

From:Diane Hale, Land Use Services503-823-7705 / Diane.Hale@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 15-155096 LC

GENERAL INFORMATION

Applicant:	Bill Jackson / Meadows Group Inc., Realtors / (971) 219-3344 1902 SE Morrison St / Portland, OR 97214
Owner:	James A and Melissa Banks 1004 SE Malden St / Portland, OR 97202-5914
Site Address:	1481-1485 NE ALBERTA ST
Legal Description:	BLOCK 24 LOT 9&10 TL 23800, VERNON; BLOCK 24 LOT 9&10 TL 23900, VERNON
Tax Account No.:	R295143, R295144
State ID No.:	1N1E23AB 23800, 1N1E23AB 23900
Quarter Section:	2532
Neighborhood:	Vernon, contact Carson Mead at <u>carsonmead@gmail.com</u>
Business District:	North-Northeast Business Assoc, contact Joice Taylor at 503-841- 5032.
District Coalition:	Northeast Coalition of Neighborhoods, contact info@necoalition.org
Zoning:	CSh, Storefront Commercial with an "h" Airport Height 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 to consolidate portions of historic lots 9 and 10, Block 24 of Vernon into one parcel. This lot consolidation is part of an overall proposal with a Property Line Adjustment (PLA) to create one parcel from the existing corner lots. There are two underlying Lots of Record at this site. They are labeled A and B on the attached Existing Conditions Map. This Lot Consolidation proposes to combine the lots into one parcel, as shown on the Proposed Plat Map (attached). The subsequent PLA process will move the northern property line approximately 6 feet to the north to coincide with the southern property line of the Fifty Fifteen Condominiums plat. The PLA and future development are not part of this Lot Consolidation 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: This 5,080 square foot site is corner lot developed with a duplex built in 1936. The western portion of the site contains food carts. The surrounding area is zoned and developed with a mix of commercial and residential uses along Alberta Avenue, with single-family residential development to the north and south of the Alberta corridor.

Zoning: CSh, Storefront Commercial with an "h" Airport Height overlay.

- The CS zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.
- The "h" overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport. In this zone, structures are regulated by the base zone height limits rather than the height limits of Chapter 33.400.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency and Neighborhood Review: A Notice of Proposal in your Neighborhood was mailed on May 29, 2015.

1. Agency Review: Several Bureaus and agencies have responded to this proposal. Please see Exhibits E for details. The comments are addressed under the appropriate criteria for review of the proposal.

2. Neighborhood Review: One written response has been received from a notified property owner in response to the proposal. The response expressed concerns about the shortage of on-street parking in the area, and encouraged future development to be pedestrian friendly and the use of landscaping to mitigation noise pollution from increased traffic along Alberta Avenue.

Staff response: While staff understands these concerns, the Lot Consolidation approval criteria do not address these topics. Therefore the concerns cannot be addressed through this review. Future development will be subject to the Zoning Code regulations of Title 33. Parking standards are found in chapter 33. 266 of the Portland Zoning Code. Base zone development standards for the CS zone are found in 33.130.

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 create one lot. The regulations ensure that 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 the county to consolidate lots under one tax account. A tax 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 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 I 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 I procedure.

Approval Standards for a Lot Consolidation 33.675.300 Standards A lot consolidation must meet the following standards:

- 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, the lot consolidation site is 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, the lot consolidation site is 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, the lot consolidation site is 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, the lot consolidation site is 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, the lot consolidation site is exempt from minimum lot depth requirements.

Findings: The proposed site is in the CS 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). 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 lot has a front lot line that is 127.5 feet long.

As noted herein, the proposed consolidated lot meets the standards of 1.a through 1.e.

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 minimum or maximum residential density in the CS zone, therefore this standard 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: Both lots in the lot consolidation site have street frontage, therefore this standard 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: None of the lots in the consolidation site are through lots, therefore this standard 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 standard does not apply.

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

Findings: There are no previous land use cases for this site, therefore this standard does not apply.

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 portions of historic Lots 9 & 10 of Block 24, Vernon into one parcel. 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 required standards 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 9 & 10 of Block 24, Vernon into one parcel, as illustrated by Exhibit C.1, signed and dated January 19, 2016.

Decision rendered by:

My /

_ on January 19, 2016

By authority of the Director of the Bureau of Development Services

Decision mailed January 26, 2016

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 (April 18, 2016), 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 April 22, 2015 and was determined to be complete on **May 26, 2015**.

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 April 22, 2015.

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 by 150 days (Exhibit G.3). The 120-day period will expire on February 20, 2016.

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. Original Submittal
 - 2. Applicant's response, May 15, 2015
 - 3. Applicant's response, May 22, 2015
 - 4. Applicant's response, May 26, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Plat (attached)

- 2. Supplemental Plan
- 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. Bureau of Parks, Forestry Division
 - 5. Life Safety; Fire Bureau; Site Development Review Section of BDS
- F. Correspondence
 - 1. Louis Mateo, June 2, 2015, 2345 NE 10th
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Extension Requests

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).





JOB NO. 15-049 MP	MY COMMISSION EXPIRES JULY 20, 2019.	
e-mail address: into@novels.com	NOTARY PUBLIC - OREGON COMMISSION No. 940935	IMPOSED BY THE CITY OF PORTLAND IN CASE
Contens surveyors planets contens surveyors planets planets planets contraction structures	NOTARY SIGNATURE	AL DIRECTIONS UNLESS NOTED OTHERWISE.
8.112	DECLARE TO MENT IN EXCLUSION THE EXECUTED THE SAME AS HIS OWN FREE DECLARE TO MENT HE EXECUTED THE SAME AS HIS OWN FREE ACT AND WILL ON BEHALF OF G015 LLC.	D PARALLEL WITH AND PLAT (VERNON) DISTANCE
BY: DEPUTY DOCUMENT NO.	FOR SAID STATE AND COUNTY PERSONALLY APPEARED J. ALEX BANKS, WHO BEING DULY SWORN, DID SAY THAT HE IS THE MEMBER OF TWYANA & BANKS LLLS, WHICH IS A MAUBER OF	RECORDED AS SN 60991. 004-140299 WAS HELD AS ESTABLISHED IN OUR
COUNTY RECORDING OFFICE	THIS IS TO CERTIFY THAT ON THIS 224 DAY	KUM A KANUUM IKAVENSE UN MAKCH 23, 2013. 10, AND THE SOUTH LINE OF LOT 9 WERE HELD
PLAT NO.	COUNTY OF MULTNOMAH)	VIS "A" AND "B" PER SN 61471.
M. AS PARTIT	STATE OF OREGON) STATE OF OREGON) STATE OF OREGON)S	E FIRST OF TWO PROCEDURES TO BE IN
I DO HEREBY CERTIFY THAT THE ATTACHED PATTION PLAT WAS RECEIVED FOR RECORD		A PORTION OF LOT 10, BLOCK 24, "VERNON", OCUMENT NO. 2007-179056 TRACT INCLUDES FIFTY R OF SAID TRACT IS NOW A NON-COMPLIANT LOT
COUNTY OF MULTNOMAH)	MY COMMISSION EXPIRES JULY OC TOL	NI NO. 2007-179056, BOTH OF MULTNOMAH
STATE OF OREGON) SS	COMMISSION No. 940435	OLIDATE THAT TRACT OF LAND DESCRIBED BY DEED
******************	NOTARY PUBLIC - OREGON	
BY: DEPUTY	NOTARY SIGNATURE	
DIRECTOR, DIVISION OF ASSESSMENT & TAXATION MULTNOMAH COUNTY, OREGON.	THE SAME A THR CAN UN FREE ACT AND WILL.	
ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF 20	OF NOVARDAX: 2015 BEFORE ME. A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY PERSONALLY APPEARED JAMES A. BANKS AND MELISSA BANKS, WHO BEIRG DULY SWORN, DID SAY THTI THEY REF. THE IDENTICAL PERSONS MAKED IN THE FOREGOING	DEKKON DEKKON 3427 ASKA
***************************************	č	LAND SURVEYOR
BY	STATE OF OREGON) SS	
APPROVED THIS DAY OF 20 COUNTY SURVEYOR MULTNOMAH COUNTY, OREGON	ACKNOWLEDGMENT	DIT OF ALL OF THE SUTTENSI CONVERTY OF SHU OF ME. ALBERTA STREET (60.00 FEET WIDE); MD LOT 9 AND SADI NORTH RICHT-OF-WAY LINE; POINT.
MULTNOMAH COUNTY APPROVALS	2	WAY LINE OF N.E. 15TH AVENUE (50.00 FEET 5 THE EAST LINE OF SAID LOTS 10, 9, AND SAID ATE FEAT LINE CONTUREREY CONNER OF CAND
	ITS: MEMBER	TANCE OF ALL FALL FUNCTION 22 TO THE OF ALL ALL ALL ALL ALL ALL ALL ALL ALL AL
BY: K C ENCINEED'S DELEGATE	BY: TWANAN & BANKS LL.C., An ODECAULINITED LIAGU	DURTHERLY LUCATION OF A LOCATION NO.
APPROVED THIS (JE DAY OF JANUALY , 2016		THEREOF; THENCE EAST ALONG THE NORTH LINE TO A CURVE IN THE NORTHERY LINE OF THAT
****		SOUTHWEST CORNER OF LOT 9, BLOCK 24, ONG THE WEST LINE OF SAID LOT 9, A DISTANCE
BY: WALL I DECOMPOSED DIRECTOR'S DELEGATE		N ROD WITH A YELLOW PLASTIC CAP MARKED
	Par A. Bor	H, RENGO, BEING STORIED IN THE NOTIFICAL H, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF REGON, BEING MORE PARTICULARLY DESCRIBED AS
APPROVED THIS 19 DAY OF JUNNING, 2016	AUTOR THE PROPERTY PARTITIONED, AS SHOWN AND NOTED, IN ACCORDANCE AND THE PROPERTY PARTITIONED, AS SHOWN AND NOTED, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.	ל מיני באוואסורק באוויוסא במין מאים מאים איים איים מינים איים מינים איים מאים מינים איים מינים איים מינים איים מיני איים מעורים בעניו אבטי איים איים מינים מעורים איים מינים איים מינים איים מינים איים מינים איים מינים איים א
CITY OF PORTLAND APPROVALS CASE FILE NO. LU 15-155096 LC	KNOW ALL PERSONS BY THESE PRESENTS THAT JAMES A. BANKS AND KLISSA BANKS AND SDI LLC ARE THE OWNERS OF THE POPERTY REPRESENTED ON THE ANNEXED MAP AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANING SUPARCHAS CERTIFICALE, AND DO HEREPY MAKE, ESTABLISH AND DECLARE THE ANNEXED PARTINON PART TO BE A TRUE AND CORRECT MAP AND HAVE CAUSTO THIS PARTICINON PART TO BE PREPARED	I HAVE CORRECTY SURVEYED AND MARKED WITH 3 ON THE ATTACHED PARTITION PLAT. SAND LAND
DATE: 4-3-2015		
A REPLAT OF LOT 9 AND A PORTION OF LOT 10, BLOCK 24, "VERNON", LOCATED IN THE NE 1/4 OF SECTION 23, TIN, RTE, W.M. IN THE CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON	A REPLAT CLOCATED IN	
IIUN FLAI NU.	FAK11.	
PARTITION PLAT NO	PARTI	

SURVEYOR'S CERTIFICATE

I, DEKKION T. MACKAI, HEREBY CERTIFY THAT PROPER MONUMENTS THE LAND REPRESENTED BEING DESCRIBED AS FOLLOWS:

LOT 9 AND A PORTION OF LOT 10, BLOCK 24 QUARTER OF SECTION 23, TOWNSHIP 1 MORTH PORTLAND, MULTNOMAH COUNTY, STATE OF OF FOLLOWS:

BEGNNING AT THE INITIAL POINT A 5/8" IRON R "WE WELLS & ASSOC, INC: FOUND AT THE SOI "PERNON": THENCE NORTH ODD235" ESST ALONG OF SOLO FEET TO THE WORTHWEST CORNER THE OF SOLO LOT 9, A DISTANCE OF 96.277 TEET TO TRACT OF LAND DESCREDED BY DEED RECORDS TRACT OF LAND DESCREDED BY DEED RECORDS TOWN DEED RECORDS). THENCE ALONG SAD NO COUNT ALONG SAT NO COUNT ALONG SAD NO COUNT ALONG SAD NO COUNT ALONG SAD NO COUNT ALONG SAT NO COUNT ALONG SAD NO COUNT ALONG SAT NO COUNT ALONG SAD NO COUNT ALONG SAT N

CONTAINING 5,080 SQUARE FEET.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO CONSOLID RECORDED AS DOCUMENT NO. 2004-142393 AN DESCRIBED PF DEED RECORDED. AS DOCUMENT P COUNTY DEED RECORDS, EIGHO LOT 9 AND A PR MULTINOMHI COUNTY PLAT RECORDS. SEID DOCU FITEN CONDUNIUM WHICH THE REMANDER OI OF RECORD. THIS LOT CONSOLUDATION IS THE FI CONFLUANCE.

BASIS OF BEARINGS IS EAST FROM MONUMEN

MONUMENTS SHOWN AS FOUND WERE TIED F

THE EAST AND WEST LINES OF LOTS 9 AND AS ESTABLISHED IN OUR PREVIOUS SURVEY I

THE NORTH LINE OF DEED DOCUMENT NO. 2 PREVIOUS SURVEY RECORDED AS SN 61471.

THE NORTH LINE OF LOT 9 WAS ESTABLISHE FROM THE SOUTH LINE OF SAID LOT 9.

MONUMENT FALLINGS ARE BASED ON CARDIN

THIS PLAT IS SUBJECT TO THE CONDITIONS FILE NUMBER LU 15-155096 LC. NOTES

10 - 20 8 E