



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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REPORT AND RECOMMENDATION OF THE HEARINGS OFFICER

File No.: 91-00349 CP ZC

Applicant: Shurgard Capitol Group, 1201 Third Avenue, Suite 2200, Seattle, Washington, 98101, optional purchaser.

Owners: A. Melvin DeCarrico, Robert R. Harlan and Shoun Ishikawa, individually and as Southwest Medical-Dental Center, c/o 2350 S.W. Multnomah Boulevard, 97219, deedholders and contract purchasers; and James V. and Marta M. Frank, 7438 S.E. 28th Avenue, 97202, deedholders.

Represented by: Mark Whitlow, Bogle and Gates, 222 S.W. Columbia Street, #1400, 97201; Orvar Litsjo, Shurgard Capitol Group, 1201 3rd Avenue, #220, Seattle, Washington, 98101; Lans Stout, Mackenzie/Saito and Associates, 0690 S.W. Bancroft Street, 97201; and James V. Frank, 7438 S.E. 28th Avenue, 97202.

Hearings Officer: Elizabeth A. Normand.

Bureau of Planning Representative: Tim Barnes.

Bureau of Transportation Engineering Representative: Cherrie Eudaly.

Bureau of Traffic Management Representative: Erica Rooney.

Land Use Review: Comprehensive Plan Map Amendment from Single-Dwelling Residential to General Commercial and Multidwelling Residential, and Zone Changes from R7 to CG on a portion of the property and from R7 to R1 on another portion of the property, in order to develop the site with a self-service storage facility and to remap adjacent residential property to high-density residential, located at S.W. Barbur Boulevard, 23rd and 24th Avenues, and Hume Court.

Date of Application: May 30, 1991

Report to Hearings Officer: July 23, 1991

Decision Mailed: August 16, 1991

Last Date to Appeal: August 30, 1991

Public Hearing: The hearing was opened in Meeting Room A, 1120 S.W. 5th Avenue, Portland, Oregon, on July 30, 1991, at 9:01 a.m. and closed at 12:44 p.m.

Speaking in Support: Kay Durtschi, President, Southwest Neighborhood Information, Inc., 2230 S.W. Caldew, 97219.

Speaking with Concerns: Charles Kobin, 610 S.W. Alder, #1200, 97205 (representing James V. Frank); and Alan Barney, 2631 S.W. Hume Court, 97219.

Speaking in Opposition: Doyle Dickinson, 8449 S.W. Barbur Boulevard, 97219; John Marvin, 2629 S.W. Hume Court, 97219; Teresa and Dennis Parrone, 2607 S.W. Hume Court, 97219; and Alison Santos, 2711 S.W. Spring Garden, 97219.

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Number Writing in Support: One.

Number Writing with Concerns: Two.

Number Writing in Opposition: Three.

Bureau of Planning Recommendation to Hearings Officer: Approval with conditions. Denial of a portion of the request.

Hearings Officer Recommendation to City Council: Approval with conditions. Denial of a portion of the request.

Summary Sheet

I. FACTS

A. GENERAL INFORMATION

Land Use Review: Zoning Map Amendment and Comprehensive Plan Amendment.

Location: S.W. Barbur Boulevard, S.W. 23rd and 24th Avenues, and S.W. Hume Court.

Legal Description: Total Site – Alder Springs Addition:
 N 1/2 of Lot 2 and Lots 3-9, Block 6
 Lots 6-17, Block 7
 Lots 4, 5 and 12-17, Block 8
 (Martas Also Own: Madison Villa Sub Lot 14 Addition:
 Lots 2-9, Block 1 and Lots 1-4, Block 2)

Zone Change Sites:

From R7 (R2) to CG:

 Lots 6, 17 and portions of Lots 7-11 & 16, Block 7

 Lots 12-15, Block 8

 (Note: Lots 4, 5, 16 & 17, Block 8, already CG)

From R7 (R2) to R1:

 Lots 13-15 and a portion of Lot 16, Block 7

 N 1/2 of Lot 2 and Lots 3-9, Block 6

 (Note: Lot 12, Block 7, is already R1).

Neighborhood: Multnomah.

Quarter Sections: 3827 and 3826.

Zones/Designations: R7, Single-Dwelling Residential (current zoning and designation)
CG, General Commercial (proposed zoning and designation)
(R2), Multidwelling Residential (current designation)
(R1), Multidwelling Residential (proposed zoning and designation)

Description of Plan: This is a proposal to develop a 93,136-square-foot self-service storage facility and to remap adjacent residential property to high-density residential.

B. SITE INFORMATION

Description: The applicant's site is approximately 160,450 square feet in area. It is located a block and a half to the south of the intersection of S.W. Barbur Boulevard and S.W. Multnomah Boulevard, within a triangle of land bounded by these roads. The site has approximately 160 feet of frontage along S.W. Barbur Boulevard, located between S.W. 22nd Street and S.W. 23rd Street. The site includes portions of S.W. 23rd Street and of S.W. Hume Court which are proposed to be vacated (see Case File LUR 91-00185-VA). The site includes lots on both sides of S.W. 24th Street, having approximately 320 feet of frontage along the east side of S.W. 24th Street and approximately 390 feet of frontage along the west side of the street. The site is currently developed with six single-family residences, two of which are located to the west of S.W. 24th Street. The remaining four are located to the east, and front along either S.W. 24th Street or S.W. 23 Street. At the northern portion of the site, Lots 11, 12, 13 and 14 of Block 7 are developed as a surface parking lot. This parking area provides accessory parking for the Southwest Medical-Dental Center located on

the neighboring property to the north. Some portions of the site are currently undeveloped, including the lots which front on S.W. Barbur Boulevard.

History: On May 28, 1991, the Planning Commission approved the vacation of those portions of S.W. 23rd Street and S.W. Hume Court which are within the applicants' site, with a condition that:

- "A. Final approval of the vacations of S.W. 23rd Avenue and S.W. Hume Court are to be effective upon approval of a Building Permit for the proposed Shurgard development at this location." (See Case File LUR 91-00185-VA.)

In 1988, Zone Changes, Comprehensive Plan Map Amendments, a Conditional Use for warehousing in a C-2 Zone and a Major Variance for floor area exceeding 10,000 square feet (Case File 7857- PA/CU 41-88) were proposed for a portion of the applicant's current site in order to allow for the development of a self-service storage facility. That application did not include the lots to the west of S.W. 24th Street which are part of the current application. The Hearings Officer denied the applicant's request, and on October 19, 1988, the City Council denied the applicant's appeal.

In 1980 a Zone Change from R7 and A2.5 to C2S was approved for Lot 1 and the south half of Lot 2, Block 6, Alder Springs, and Tax Lot 1 of Lot 15, Madison Villa (PC Case File 6933, Safeguard Business Systems Office Building.) This site is located southwest of the applicant's site.

In 1978, a Zone Change from R7 to C2 was approved for Tax Lot 1 of Block 6, located to the northwest of the applicant's site. This site is currently developed with a single-family house which has been converted into the offices of the Southwest Law Center.

In 1975, a Zone Change from R7 to C2 was approved for Lots 4, 5, 18, 19 and 20 of Block 7 Alder Springs (P.C. Case File 6465), located directly to the south of the site (Key Bank). Also in 1975, a Conditional Use for fill was denied for lots A, B, C, and 11, Block 8, Alder Springs (CU 29-75).

In 1972, a Zone Change from R7 to C2 for Lots B, C, and 11, Block 8, Alder Springs was approved (PC Case File 6125) to allow for the construction of a parking lot and possible future commercial building. Located to the northeast of the applicant's site, this property is currently developed with the Grail Apartment Building. In 1961 a Zone Change from R7 to C2 on Tax Lot 1 of Block 7, Alder Springs was approved (PC Case File 4052). This site is to the north of the applicant's site and is currently developed as the Southwest Medical-Dental Center Building. These two sites reverted back to R1 zoning in 1981 with the adoption of the Comprehensive Plan.

C. VICINITY DATA

The applicant's site is located near Multnomah Boulevard, six blocks to the west of the Multnomah Village Business District. To the north, the Southwest Law Office Building, the Southwest Medical/Dental Center and the Grail Apartments front on S.W. Multnomah Boulevard, separating the applicant's site from that street. Multnomah Boulevard is classified as a "district collector street" in the Arterial Streets Classification Policy. In the vicinity of the applicant's site, most of the property fronting onto S.W. Multnomah Boulevard is zoned residential.

The applicant's site is separated from S.W. 22nd Street by the lots which front on that street. The northernmost of these lots is developed as an accessory parking area for the

Grail Apartments. South of this are a new law office building and two houses which have been converted to commercial uses, including a real estate brokerage, insurance agent, and phone sales and service.

To the south, the applicant's site has approximately 160 feet of frontage along S.W. Barbur Boulevard, between S.W. 22nd Street and S.W. 23rd Street. A Key Bank Branch is located west of S.W. 23rd Street, separating the center of the applicant's property from S.W. Barbur Boulevard. Barbur Boulevard is a State Highway and classified as a "major city traffic street" by the Arterial Streets Classification Policy. Nearby properties which front on S.W. Barbur Boulevard are typically zoned CG, with some zoned R2. Nearby businesses, along the boulevard, include Szechwan Restaurant, Westhills Auto Body, Barber Boulevard Auto Parts, Southwest Auto Service Center, a small mixed retail shopping center with a chiropractor's office, an electrical appliance repair shop, and an adult bookstore. Farther to the north are a gas station, restaurants, a convenience store, a plumbing company office and a self-service printer.

Located just south of the portion of the applicant's site which is on the west side of S.W. 24th Street is the Safeguard Business Systems Office Building. To the west of this building are several apartment complexes. To the west of the applicant's site is an extensive neighborhood of single-family homes, zoned R7.

D. AGENCIES, NEIGHBORHOOD AND OTHER ASSOCIATIONS NOTIFIED

Bureau of Environmental Services, Bureau of Traffic Engineering, Bureau of Traffic Management, Transportation Planning Section of the Office of Transportation, Bureau of Buildings, Water Bureau, Fire Bureau, Police Bureau, Park Bureau, City Forester, Office of Energy, Portland Development Commission, Multnomah Neighborhood Association, Southwest Neighborhood Information Inc.

E. EXHIBITS (Numbers refer to exhibits originally part of the Planning Staff Report, letters received in response to the Auditor's Office notification, and material submitted at the hearing, if any. Only those exhibits marked (*) are attached.)

1. Applicant's Statement
2. Vicinity Map (not available)
3. Zoning Maps
 - * a. Existing Zoning
 - * b. Proposed Zoning
4. Land Use Map
5. Plans
 - * a. Site Plan
 - * b. Revision: Access to S.W. 24th Street
6. Agency Responses
 - a. Bureau of Environmental Services
 - b. Bureau of Transportation Engineering
 - c. Bureau of Traffic Management
 - d. Transportation Planning Section of the Office of Transportation
 - e. Bureau of Buildings
 - f. Water Bureau
 - g. Fire Bureau
 - h. Police Bureau
 - i. Bureau of Parks, Forestry Division
 - j. Long Range Planning and Urban Design Section of the Bureau of Planning
 - k. State of Oregon (Doran)

7. Letters
 - a. Dickinson
 - b. Santos
 - c. Gipe
 - d. Karas
 - e. Multnomah Neighborhood Association
 - f. Wenzlick
8. Other
 - a. Shurgard Application
 - b. Preliminary Site Plan
 - c. Page 3 of the Comprehensive Plan and Pages 9-10 of the ASCP
 - d. Shurgard Storage Centers - Average Total Customer Entrances per Month
 - e. Larson Letter to Litsjo (7/30/91)
 - f. Density (Revised)
 - g. Recommended Revised Rezoning as Proposed by Applicant
 - h. Right-In/Right-Out Design Example
 - i. Aerial Photograph
 - j. FAX from Stout to Barnes (7/2/91)
 - k. FAX from Whitlow to Barnes (7/16/91)
 - l. FAX from Stout to Barnes (7/26/91)

II. APPLICABLE CRITERIA, FINDINGS and CONCLUSIONS

A. CODE CONSIDERATIONS

Base Zone Criteria (Chapter 33.130) and Development Standards (Table 130-3):

Lots 16, 17 and 5 of Block 8 are currently zoned and designated CG. This zone allows for General Commercial development. No Plan or Zone Change is proposed for these lots.

Lots 12, 13, 14 and 15 of Block 8 and Lots 6 through 10, 13 through 17 and the southern portions of Lots 12 and 13 of Block 7 and Lots 3 through 9 and the northern portion of Lot 2 of Block 6 are currently zoned R7 with a Comprehensive Plan designation of R2. The R7 zone allows single-family residential development on lots with the minimum requirements of 7,000 square feet of lot area, 60 feet wide and 90 feet deep. The R2 zone allows low-density, multidwelling residential development on lots with the minimum requirements of 4,000 square feet of lot area, 40 feet wide and 80 feet deep.

The northern portions of Lots 11 and 12 of Block 7 are currently zoned and designated as R1. This zone allows medium-density, multidwelling residential development on lots with the minimum requirements of 10,000 square feet of lot area, 70 feet wide and 100 feet deep.

This request is to change the zoning and the Comprehensive Plan designation of Lots 12 through 15 of Block 8, Lots 6 and 17, the southern portions of 7 and 16, and the eastern portions of Lots 7 through 11 of Block 7 to CG (General Commercial). The applicant proposes to develop this portion of the site with a self-service storage facility.

The applicant also requests a change in zoning and Comprehensive Plan designation to R1 for Lots 3 through 9 and the northern portion of 2, Block 6, Lots 12 through 15 and the northern portion of 16, and the eastern portions of 7 through 11, Block 7. The R1 zone allows medium-density, multi-dwelling development on lots that contain a minimum of 10,000 square feet of lot area and are a minimum of 70 feet wide and 100 feet deep. No development of this area is being proposed.

The vacated right-of-way at S.W. Hume Court is to retain the R1 zoning designation and be developed as an accessory parking area for the adjacent Southwest Medical/Dental Center.

The applicant has submitted a conceptual plan for future residential development to show that the site can accommodate the housing potential of the R1 zone. It should be noted that the lot depth along the west side of S.W. 24th Street varies from approximately 75 feet to 76 feet. An Adjustment must be obtained to reduce the required 100 foot lot depth in order to develop this property at R1 density.

The applicant proposes to relocate the Southwest Medical/Dental Center accessory parking lot to the vacated S.W. Hume Court Street right-of-way (see Case File LUR 91-00185-VA). Since both sides of this street are under the same ownership, the vacated right-of-way will revert, in its entirety, to that ownership. The street and the Southwest Dental/Medical Center are currently zoned R1. A medical office is a prohibited use in R1. This facility predates the current zoning and is, therefore, nonconforming.

According to Section 33.258.070 of the Portland Zoning Code, changes may be made to a nonconforming use site as long as the changes are in conformance with the base zone development standards. When a final site plan is submitted for this parking area, it must be landscaped in conformance with the regulations of the Portland Zoning Code, particularly those of Chapter 33.266, Parking and Loading.

The applicant has submitted a site plan for the proposed self-service storage, indicating building footprints, parking and vehicular circulation. This development is required to meet the development standards of the CG Zone (Table 130-3) and the additional development standards from chapters 33.266 (Parking and Loading) and 33.248 (Landscaping and Screening).

The applicant's development proposal does not show the height of the proposed buildings. The height of the buildings may affect the building setbacks. This information must be provided and, unless an adjustment is approved, the development standards must be met. Based on the submitted development proposal, the other development standards of Table 130-3 have been met.

When the applicant submits a more complete development proposal, the depth of the parking stalls must be increased to 19 feet and landscaping at a minimum of the L2 standard will be required in the building setback areas adjacent to S.W. 24th Street to meet the requirements of Chapter 33.266. As proposed, the development meets the other parking and loading requirements of that Chapter.

The applicant will also have to meet the Pedestrian Standards of Section 33.130.240.

Section 33.284.040 requires that the design of this facility be approved through Design Review. The final development plans for this facility must comply with the Self-Service Storage Design Guidelines in Section 33.284.050.

33.810.050.A—Approval Criteria for a Quasi-Judicial Plan Amendment:

Amendments to the Comprehensive Plan Map which are quasi-judicial will be approved if all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and, on balance, has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;

As a whole, the proposal, with modifications and conditions, will be as supportive of the Comprehensive Plan as is the existing R2 designation. However, this assumes the applicant can create seven additional potential housing units. See the findings under part "II", "Comprehensive Plan Considerations".

2. When the requested amendment is from a residential designation to a commercial designation, the requested designation will not result in a net loss of potential housing units.

The maximum density allowed by the zone is used to calculate potential housing units, according to Section 33.810.050.A.2.a. Approximately 98,072.19 square feet of the site are currently designated for R2 zoning. The R2 zone allows 1 unit per 2,000 square feet of site area. This portion of the site has a housing potential of 49 units.

Approximately 4,393.62 square feet of this site are currently designated and zoned as R1. R1 zoning allows 1 unit per 1,000 square feet of site area. This portion of the site has a housing potential of 4 units.

The remainder of the applicant's site is currently zoned CG, and is not assigned any housing potential.

The total current housing potential for this site, including the property to the west of S.W. 24th, is 53 units.

The applicant's original proposal includes approximately 40,542.59 square feet of site area to be rezoned from R2 to CG. An additional 528 square feet of the site area would be rezoned from R1 to CG. These areas would then have no housing potential.

The applicant is also requesting that approximately 56,369.75 square feet of site area be rezoned as R1. Under the requested R1 zoning, this area would have a housing potential of 56 units.

Of the 4,393.62 square feet of the applicant's site currently zoned R1, 3,865.62 square feet would retain R1 zoning. The housing potential of this area is approximately four units.

Under the applicant's original proposal, the total housing potential would be 60 units. This proposal yields a net gain of seven potential housing units over the current housing potential of the site. This added housing potential would replace the lost housing potential under Section 33.810.050.A.2.c(2) and (5).

The applicant made an alternate proposal that reduces the amount of commercially zoned land that fronts on S.W. 24th Avenue (Exhibit 8f). This proposal includes 43,270 square feet to be redesignated from R2 to CG and 484 square feet of land to be rezoned from R1 to CG. This removes 22.08 potential housing units.

Approximately 30,253 square feet of the site would be redesignated from R2 to R1, creating potential for 15.1 housing units.

The applicant asserts that housing potential should also be assigned to the vacated portions of S.W. Hume Court and S.W. 23rd Avenue that will become part of the existing nonconforming office use site. A total of 13,129.8 square feet of land currently reserved for right-of-way will be vacated in the R1 zone, creating potential for an additional 13 housing units. This would bring the total added potential to 28 housing units. As only 22.08 units will be lost, there would be a net gain of 5.2 units. Under this scenario, it

would not be necessary to redesignate the area west of S.W. 24 from R2 to R1 in order for the applicant to meet the requirement that there be no net loss of housing potential.

However, once vacated, the street area will become part of a nonconforming commercial use site. Residentially zoned land developed with nonconforming commercial use is not included in the City's inventory of buildable or redevelopable lands for the purposes of computing housing potential. For that reason, vacating the street will not increase the housing potential for the city and credit cannot be given for the 13 housing units. This leaves a net loss of 6.98 potential housing units.

The applicant's original proposal also includes approximately 28,000 square feet of land on the west side of S.W. 24th Ave that could be redesignated from R2 to R1. This could provide potential for an additional 28 housing units under the alternate proposal. If this redesignation is approved, there would be a loss of 22.08 and a gain of 43.1 potential housing units, creating a net gain of 21.02 potential housing units.

The difficulty with this scenario is that it increases the density along S.W. 24th beyond what is appropriate for the existing residential character and the streets, as discussed under the Goal 2 review. It would be more appropriate to leave the property to the west of S.W. 24th zoned R2.

The question that arises is whether the "no-net loss" provisions require an absolute one-for-one replacement of housing potential, or is it adequate to replace the 22.08 lost potential units with 15.1 potential units. This is replacement of 68 percent of the lost potential.

Replacement of 68 percent of the lost potential units does not seem adequate in light of the language of the Code and Plan that the redesignation will not result in a net loss of units. For that reason, the applicant must come up with approximately 7 more potential housing units, without adding more density than is appropriate for the neighborhood.

33.855.050—Approval Criteria for Base Zone Changes: The amendments to the base zone designation on the Official Zoning Maps will be approved if all of the following approval criteria are met:

A. The Zone Change is to a corresponding zone of the Comprehensive Plan Map.

The applicant has proposed Zone Changes that correspond to the designations proposed; the General Commercial designation is implemented by the General Commercial (CG) zone, and the Medium Density Residential Designation is implemented by the R1 zone. These are the only zones that implement those Plan designations. If the proposed plan map designations are approved, the proposed zones will meet this criterion. However, the change in Plan designation from R2 to R1 on the property to the west of S.W. 24th cannot be approved, as discussed. Therefore, the Zone change on that property from R7 to R1 cannot be approved.

B. Public services for water supply, transportation system structure and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.

- **Water Supply:** There is an existing 8-inch water main located in S.W. 24th Avenue and an existing 6-inch water main located in S.W. Barbur Boulevard, both of which may be used to provide service to this site. The Water Bureau also

makes a number of comments regarding existing water supply infrastructure which will need to be altered when S.W. Hume Court and S.W. 23rd Street are vacated (Exhibit 6f).

- **Transportation System Structure and Capacity:** Capacity at this location is adequate to serve the proposed future development at this site. The Bureau of Transportation Engineering notes that right-of-way improvements will be required of the applicant at S.W. 24th Avenue and the southern end of S.W. 23rd Avenue (Exhibit 6b). The Bureau of Traffic Management notes that the proposed vehicle access to S.W. Barbur Boulevard will require an access permit from the Oregon State Department of Transportation. They note that if the requested access onto S.W. 24th is eliminated, it will not impact any City streets. They also note that Bob Doran of ODOT stated they would issue an access permit even without access to 24th, but with conditions on occupancy, use and design of the access such that traffic will only be allowed right-in and right-out movements (Exhibit 6c). The Transportation Planning Section of the Office of Transportation notes that transportation services are adequate to support the proposed Zone Change and development as long as sufficient access is provided to the site. They note their support of the proposed vehicle access to S.W. 24 Street (Exhibit 6d).
- **Sanitary Sewage and Stormwater Disposal:** The Bureau of Environmental Services notes that the applicant must provide the same level of sewer service to properties adjacent to this project, which may be affected by the proposed street vacations (Exhibit 6a).
- **Police and Fire Protection:** Police services are provided through the Central Precinct at S.W. 2nd and Main. Fire protection is provided through the station at S.W. 30th and Spring Garden Street. Both Bureaus indicate that services are adequate to serve the proposal.

B. LCDC AND COMPREHENSIVE PLAN CONSIDERATIONS

The City of Portland's Comprehensive Plan was adopted by City Council on October 16, 1980 and became effective on January 1, 1981. On May 1, 1981, the City's Plan was adopted by LCDC.

The City of Portland Land Use Comprehensive Plan consists of a Plan Map, which designates the type, location and density of all land within the City, and a set of goals and policies providing the basis on which evaluations can be made as to whether proposals for land use decisions comply with the Plan.

Map Designation: The Comprehensive Plan Map designates this site as appropriate for R2 (Low-Density, Multidwelling) Residential development.

Goals and Policies: All goals and policies have been reviewed with regard to the present proposal, and the following are considered applicable:

Goal 2--Urban Development, requires public policy to; "encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers." The applicant is proposing a self-service storage facility to be located on a portion of this site. This type of business requires minimal staffing and will therefore have negligible impact on employment opportunities in this area.

The lots which front on S.W. Barbur Boulevard are the only portion of this site which are zoned commercially (CG). The applicant is proposing to have lots which are in the interior of the block changed to CG zoning. If this Zone Change and Comprehensive Plan Amendment is approved, the interior lots, combined with the lots fronting on S.W. Barbur, will constitute a site described in Section 33.248.030 as appropriate for Self-Service Storage in the General Commercial Zone. The site will have a limited frontage along S.W. Barbur Boulevard, and will be an odd-shaped land area surrounded on three sides by commercial development.

However, the applicant originally proposed that Lot 17 and the southern portion of Lot 16 of Block 7 be developed with self-service storage units and an access drive exiting onto S.W. 24th Street. Lots 16 and 17 front onto S.W. 24th Street which is predominantly bordered with residentially zoned land. These lots do not fit the description of the type of site recommended by Section 33.284.030 for the location of a self-service storage facility.

Developing this portion of the site with a commercial use would not be supportive of the residential character of the existing neighborhood or with the multidwelling residential development potential along S.W. 24th. Both of these lots have potential for being developed in the future with higher density residential construction.

Policy 2.9. Residential Neighborhoods: Under the original proposal, the east side of S.W. 24th Avenue would be developed largely for commercial use, including vehicle parking and circulation areas. The applicant is requesting to change the zoning, on Lot 17 and on a portion of Lot 16 of Block 7, to CG, to allow for an access drive, connecting the proposed storage facility to S.W. 24th Avenue. A main function of this drive is to provide a linear corridor along which storage units can be located. As a result there would be storage units fronting on SW 24th Ave.

The lots to the north of the access drive, as well as the lots along the west side of 24th Avenue are currently R7 and designated for R2 zoning. Along the west side of S.W. 24th Avenue, there is a continuous approximately 452-foot residential frontage. South of this frontage, is approximately 75 feet of commercial frontage developed for Safeguard Business Systems.

In contrast, the east side of S.W. 24th Avenue has an existing commercial development along the southern 250 feet of frontage (Key Bank). The applicant's site includes the remaining 272 feet of frontage to the north. The north 32 feet of the applicant's frontage is proposed to be developed as a part of the Southwest Medical/Dental Center parking lot. The south 60 feet of the applicant's frontage is proposed to be developed as access drive for the self-service storage facility with adjacent landscaped setbacks and storage units. This reduces the residential frontage to 181 feet, which is 40 percent of the length of the residential frontage along the west side of the street. At least 24 feet of this frontage would be needed to accommodate access to parking for any future residential development.

Thus, the east side of the street would contrast greatly with the west side of S.W. 24th Street under the original proposal. The predominant character of the east street frontage would be commercial development, characterized by parking and driveway entries. The potential multidwelling units on the west side of the street would face this development. It would enhance the residential character of this area if Lots 16 and 17 of Block 7 retained residential zoning designations and uses to the maximum extent possible.

The R1 zoning requested for the west side of S.W. 24th Avenue is also out of character with the established single-family residential neighborhood (zoned R7) located to the west. It would create a dramatic increase in density adjacent to this neighborhood. The R1 zone

allows for an approximate density of 43 units per acre, while R7 allows for 6.2 units per acre. The R1 zone allows for 60 percent building coverage, with a 45-foot height limit, and a 3-foot front building setback. In contrast, R7 allows for 35 percent building coverage with a height limit of 30 feet and a 15-foot front building setback. The Comprehensive Plan-designated R2 zone (approximately 21.8 units per acre, 50 percent building coverage, 40-foot height limit, 10-foot front building setback) would be a more appropriate density to serve as a transition between the single-family neighborhood proposed and higher-density residential zoning and commercial zoning to the east.

The portion of the site to the east of S.W. 24th Avenue is also proposed to be zoned as R1. This area would be adjacent to the proposed storage facility. R1 zoning would be appropriate here as a way to provide residential density which would create a needed buffer between the commercial development to the east and the character of the residential neighborhood to the west. If R2 zoning occurs on the property to the west of S.W. 24th a transition will be created that goes from CG to R1 to R2 to R7 as you move from east to west.

Policy 2.13. Auto-Oriented Commercial Development: The applicant's proposal is in compliance with this Policy because it locates auto-oriented commercial development along Barbur Boulevard, which is designated by the Arterial Streets Classification Policy as a Major City Traffic Street. The access onto S.W. 24th also supports this Policy as the ASCP allows commercial driveways onto local service streets such as S.W. 24th, since that street connects to Barbur Boulevard, a major city traffic street and Multnomah Boulevard, a district collector.

Policy 2.21. Buffering: This Policy states the following: "When residential lands are changed to commercial, employment, or industrial zones, ensure that nonresidential impacts on residential areas are mitigated through the use of buffering and access limitations." The originally proposed storage facility access drive does not comply with this Policy. However, the modified proposal does meet this Policy. The access drive onto 24th Ave will be limited to exiting traffic only and can be reduced in width. The applicant will inform patrons of the left turn only requirement and post a sign prohibiting right turns onto 24th. It can also be required to be shared with the future residential development to the north of the access drive to reduce the number of access drives on the street.

Goal 3--Neighborhoods: This Goal is to "preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality." The applicant's original proposal would result in a modest increase in potential housing at this site, while removing the R2 designation from a large portion of the site. The net increase of 7 units is in conformance with the increased residential density aim of this Goal. However, that proposal would have other previously described impacts on the stability and residential quality of the neighborhood.

The alternate proposal, with limited access to S.W. 24th and no storage units along that street would be more compatible with the residential quality of the neighborhood. However, if the lots on the west side of S.W. 24th are upzoned to R1 there would be a net increase of 22 potential housing units. This meets the goal of increasing density but does so at the cost of not preserving the character and stability of the neighborhood.

Although R1 density on the east side of 24th will be an appropriate transition from the commercial zoning to the east and the residential zoning to the west, to extend that higher density on the west side of S.W. 24th appears to significantly change the character of the neighborhood.

There could also be adverse impacts from additional traffic if density is increased to allow an additional 22 units over the existing density. The original proposal would be an increase of only 7 units, with a commercial use that will have little traffic impact as long as certain access limitations are imposed on both S.W. 24th and Barbur Boulevard. The total proposal would not have a significant traffic impact. The alternate proposal would increase density by 22 units, generating an additional 220 residential traffic trips. Although S.W. 24th may have the "capacity" for this number of trips, that amount of increased traffic would have a significant impact. Traffic volumes are already substantial on S.W. 24th; approximately 1,327 per day according to the Portland Bureau of Transportation (see Exhibit 8e). The increase in traffic from full development under the existing R2 designation would be enough for this narrow, winding, unimproved street. A substantial increase in residential density is inappropriate.

Policy 3.3. Neighborhood Diversity: The applicant's proposal to upzone a portion of this site to higher-density residential zoning is in conformance with this Policy's intent to promote neighborhood diversity. Even more diversity is provided if the property west of S.W. 24th goes to R2, creating an area of R1, R2 and some single-family zoning. The potential higher-density housing should provide housing which is economically accessible to families and individuals who do not have access to the single-family homes located to the west of the site.

The applicant has proposed to remove the four single-family residences which are located to the east of S.W. 24th Avenue. These rental houses currently provide inexpensive housing for low-income individuals. Their loss presents some conflict with this goal. As a whole the proposal will increase the variety of housing types even though some single family units will be removed. Those units could also be replaced with multifamily development if the site were developed under the existing R2 designation, so there is not a significant conflict with this Goal. The impact of removal of those units can be mitigated if they are removed only as necessary for actual development of the site. The units in the area rezoned to R1 may not need to be removed until that area is redeveloped for higher density residential uses.

Some neighbors and the Neighborhood Association have requested that these single family units be demolished immediately because they are in poor condition and often have "undesirable" tenants. It is more in keeping with the housing goals of the City to encourage the owner to better manage and maintain these units than to require demolition.

Goal 4--Housing would: "Provide for a diversity in the type, density and location of housing within the City consistent with the adopted City Housing Policy in order to provide an adequate supply of safe, sanitary housing at price and rent levels appropriate to the varied financial capabilities of City residents."

Policy 4.3. New Housing Production, encourages maintaining a choice of housing sizes, types, prices and rents. As discussed under Policy 3.3, Neighborhood Diversity, this proposal will provide increased potential, through the residential upzoning of a portion of the site, for a diversity of housing type and density for this area. The impact of removal of the 4 single family residences has been discussed under Goal 3. The same conclusions apply to this goal and related policies. This proposed upzoning is in conformance with the intent statement of Goal 4 and with Policy 4.3,

Policy 4.4. Housing Choice and Neighborhood Stability: This Policy calls for increased housing choices for Portlanders. Among its aims are "(3) increase the number of housing alternatives for both renter and owner; (4) improve the physical and environmental conditions of all neighborhoods."

For reasons similar to those presented in the discussion of the Goal 4 intent statement and Policy 4.3, the proposed residential upzoning is in conformance with this Goal. In addition, redevelopment of this site will improve the physical and environmental condition of the neighborhood as long as all development standards are met. Under this Policy, it is also appropriate to require the area upzoned to R1 to meet the R2 development standards. This will provide a better buffer for the R2 zoned land across S.W. 24th and maintain better compatibility with the neighborhood as a whole.

The Bureau of Planning recommends that several development standards be imposed on the R1 and R2 zoned sites on both sides of S.W. 24th. However, these recommended standards impose an inappropriate burden on development of these properties. They are much more stringent requirements than required by the R2 zone, and this site is already designated for R2 development. The city has made a policy decision that R2 development is compatible with the existing R7 development, and has recently adopted development standards for that zone that are deemed adequate to implement the intent of that zone.

Because the commercial zoning proposed for Lot 17 and a portion of Lot 16 of Block 7, will commit more of this local residential street frontage to commercial use, and the originally proposed self-service storage development here will develop the street frontage with a view of storage units and a vehicle access drive, the proposed CG zoning of these lots is out of conformance with Policy 4.4. The alternate proposal to limit the width and use of this access resolves this problem.

Policy 4.6. Existing Housing: Maintenance: The aim of this Policy is to, “encourage and assist the continuing maintenance of existing residential properties, both single and multifamily.”

The proposed removal of the four existing houses constitutes a temporary elimination of housing, rather than housing maintenance. However, this Policy will always be in conflict with the policy to increase housing density in areas designated for upzoning to higher density residential. The City has already encouraged redevelopment of this site by designating this site for R2. Redevelopment at the R2 density could very well mean these 4 existing units would be lost temporarily. In fact, it is under that designation that the existing units have languished in the expectation that the site will be redeveloped.

Policy 4.8. Maintain Housing Potential, states, “Retain housing potential by requiring no net loss of land reserved for, or committed to, residential, or mixed-use. When considering requests for amendments to the Comprehensive Plan Map, require that any loss of potential housing units be replaced” This Policy is implemented by Section 33.810.050.A.2., previously discussed in this Report.

The Bureau of Planning asserts that this Policy requires replacement of exiting housing units with actual housing development rather than potential housing units. This would mean that the 4 existing single family residences on the site must be replaced with actual housing, rather than waiting for redevelopment of the R1 zoned portion of the site as a whole.

However, there is nothing in this Plan Policy or the implementing Code provisions that indicates that is the intent of the policy makers. The housing policy and implementing Code provision do not discuss replacement of existing housing units. They refer only to lost housing potential. I am reluctant to read such a requirement into the Plan or Code in light of the fact that these documents have very recently been revised. If the policy makers wished to incorporate a policy regarding replacement of actual housing they had the opportunity to do so. They chose to impose requirements for only potential housing.

Goal 5--Economic Development: The aim of this Goal is to, " Increase the quantity and quality of job opportunities through the creation of an environment which promotes and supports business and industry and attracts new investment.

The applicant's request to rezone a portion of the site, which is currently zoned R7(R2) , to CG (General Commercial) zoning will allow for this new business to locate here. In this way the proposal supports this goal and related policies. While the proposed self-service storage facility will require staffing, it is not a labor intensive commercial use. Its impact on increased job opportunity will be minimal. However, the creation of these few jobs does comply with Policy 5.1 Objectives A. and C.

Policy 5.14. Land Use, states: "Encourage and strengthen the economic vitality of the City by ensuring that there is an adequate supply of commercially zoned land so that business may expand in a manner consistent with the City's historic commercial development pattern." 5.14 Objective B states the following:

Objective B. Promote the concentration of commercial activities in established districts and strips.

With the exception of Lot 17 and the southern portion of Lot 16 of Block 7, the applicant's proposed CG (General Commercial) rezoning is consistent with this Policy. The applicant is proposing to add commercial zoning to an area directly behind three lots which are already commercially zoned. These three lots front onto Barbur Boulevard, a street which is predominated by auto-oriented commercial development. This expansion of commercial zoning, into the interior of the block will create a site which can accommodate a self-service storage facility. As discussed earlier under "II.A. Code Considerations" this site fits the description of the type of site that the Portland Zoning Code encourages for the location of a self-service storage facility.

However, Lot 17 and the southern portion of Lot 16, for which the applicant is also requesting CG zoning, front onto S.W. 24th Avenue, a predominantly residential local service street. Locating commercial zoning along a residential street frontage is not consistent with the historic commercial development pattern of concentrating commercial development in established districts and strips. It is necessary to limit this width and use of this access point to reduce conflict with this Goal.

Goal 6--Transportation promotes "an efficient and balanced urban transportation system, consistent with the Arterial Streets Classification Policy, to encourage energy conservation, reduce air pollution, lessen the impact of vehicular traffic on residential neighborhoods, and improve access to major employment and commercial centers."

This proposal has transportation impacts related to the rezoning of residential to commercial and the rezoning to increase residential densities.

The applicant has submitted data showing the average number of customers per day at other similar storage facilities. Exhibit 8d shows that there would be approximately 12 vehicles entering and exiting the site per day. The applicant estimates this facility may have slightly higher traffic. Approximately 15% of the traffic will be commercial vehicles; the large majority will be small trucks. The Office of Transportation concludes that the expected traffic volume is very low and will have little impact on the streets or the neighborhood.

Significant debate has occurred regarding the storage facility access to and from both Barbur Boulevard and S.W. 24th. Barbur Boulevard is a State highway. The Oregon

Department of Transportation requires that the access to Barbur be limited to right-in and right-out if there is no access to S.W. 24th. With access to S.W. 24th, ODOT will approve right-in, right-out and left-in, but no left turn onto Barbur.

The Portland Office of Transportation and ODOT prefer the option that includes access to S.W. 24th. There is concern that prohibiting a left turn from Barbur into the storage facility will cause customers approaching from the south to turn around at other less appropriate points along Barbur. The lack of a left turn from the site onto Barbur will not be a problem because customers can leave the site via S.W. 24th and access Barbur at the signalized intersection at S.W. 24th and Barbur. In fact, all customers who drive into the storage facility area will be required to exit via S.W. 24th Avenue.

The applicant has modified the proposal to limit the access to S.W. 24th to exiting vehicles only. There will be a security gate, so only customers will be able to use the drive and it will be signed for a left turn only onto S.W. 24th. The storage facilities proposed along that access drive have been removed in the alternate proposal. As a result it may be possible to narrow the width of the access drive. The applicant is also willing to make that access drive available for access from the residential units that could be developed north of the drive under the proposed R1 zoning.

The ASCP allows commercial driveways on a local service street such as S.W. 24th if that street connects to a District Collector or a Major City Traffic Street. S.W. 24th connects to Multnomah Blvd, which is a district collector, and to Barbur Blvd, which is a Major City Traffic Street.

It is true that allowing access from the storage facility to S.W. 24th will put commercial traffic onto a residential street. There are existing single family homes and the potential for multidwelling development along this street under the existing plan designation and the proposed redesignation and rezoning. The street is narrow and winding, with no curbs or sidewalks. And although it does connect to Multnomah Blvd, to make that connection one must make a left turn and then a right turn onto 25th, around corners with little visibility.

However, as discussed, the amount of traffic from the commercial facility will be minimal. Particularly with the access limitations proposed, the amount of traffic should be so small as to have no significant impact. As most of the customers use the facility for storage related to residential, rather than commercial uses, the kind of traffic will also not be out of character for the neighborhood.

Allowing the exit onto S.W. 24th would significantly improve the overall traffic flow through the site, and development of this portion of the site for residential use under the existing R2 designation would generate more traffic than will be generated by this commercial use. Together, the commercial development and residential development under the proposed R1 zoning of that portion of the site east of S.W. 24th, will not generate significantly more traffic than if the entire site were developed under the existing R2 designation.

Goal 7--Energy, promotes residential, commercial, industrial and transportation energy efficiency and the use of renewable resources.

The applicant's proposal maintains housing potential at this site. These units will be located near to Barbur Boulevard, a Regional Transitway and Major City Traffic Street. The maintenance of potential housing units is in conformance with Objective C, which promotes medium- to high-density residential development near proposed transit stations and medium-density residential development along major city transit routes.

Goal 8--Environment: The Bureau of Planning recommends that the stream that crosses the property to the west of S.W. 24th should be preserved through a condition of approval that prohibits relocation of the stream and development within 15 feet of the centerline. The Bureau believes the stream should be maintained as a natural asset for the site and the general neighborhood.

However, there is nothing in the record that demonstrates the value of this stream. It is difficult to determine from the record what kind of protection, if any, this resource needs. For that reason, the condition of approval will require that any actual development proposal that includes modification or relocation of the stream, or development within 15 feet of the centerline, must be reviewed and approved by the Bureau of Planning and the City Engineer.

The Bureau of Planning also recommends that all the large trees on the site, on either side of S.W. 24th, that are within 15 feet of the street property lines be preserved. Certainly all large trees within the required setback should be preserved if possible. Specifically, there are two large cedars and two large Douglas firs just to the west of S.W. 24th Avenue, that should be retained as a site and neighborhood amenity. It is not clear if these trees are within the 10-foot setback required by the R2 zone.

Other than having the above discussed impacts on the stream and the trees, the proposal will not significantly impact the air or water resources, no designated open space is affected, and the proposed use will not increase noise levels in the area. The storage facility will be a quiet commercial use. With the appropriate conditions of approval, the request is not in conflict with this Goal and associated policies.

Goal 9--Citizen Involvement: There has been public notification to the property owners within the area prescribed by Code. In addition the neighborhood associations in the area have been notified. All written and oral testimony received while the record was open has been taken into consideration by the Hearings Officer.

At the request of the Hearings Officer, the applicant submitted a smaller version of a site plan that was used during the hearing. That document is part of the record. The applicant also submitted a letter and pictures after the close of the record. These materials are not part of the record.

Copies of planning reports are available to the public without charge. This Goal and related policies are met.

Goal 10--Plan Review and Administration: Since this request is for a Comprehensive Plan Map Amendment and Zone Change, Policy 10.6, Amendments to the Comprehensive Plan Map, must be considered. The Plan provisions for the Zone Change are implemented by Section 33.855.050, so Policy 10.7 will not be reviewed.

Policy 10.6: For a quasi-judicial amendment to the Comprehensive Plan Map, "the burden of proof is on the applicant. The applicant must show that the requested change is (1) consistent and supportive of the appropriate Comprehensive Plan goals and policies, (2) compatible with land use pattern established by the Comprehensive Plan Map, (3) consistent with the Statewide Land Use Planning Goals, and (4) consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan."

1. **Consistent and Supportive of the Appropriate Comprehensive Plan Goals and Policies:**

The applicant's proposal must be modified in order for it to be consistent and supportive of the applicable goals and policies. The access drive onto S.W. 24th must be limited as discussed to comply with Goals 2, 3 and 6.

The proposal to upzone the property to the west of S.W. 24th increases the density in the area beyond what is appropriate under Goals 2, 3 and 6.

Without that upzoning, the proposal does not conform to the no net loss requirements of Goal 4. An additional seven potential units must be created to meet this Goal.

All other aspects of the applicant's proposal are in conformance with the goals and policies of the Comprehensive Plan.

2. Compatible with Land Use Pattern Established by the Comprehensive Plan Map:

The applicant's site is located within a triangle of land bounded by S.W. Multnomah Boulevard to the north and S.W. Barbur Boulevard to the south. The Comprehensive Plan Map designates the properties fronting on Barbur Boulevard as being appropriate for General Commercial zoning. Adjacent to the north is a strip of Low-Density Multidwelling designation, separating the commercial zoning from Medium-Density Single-Dwelling areas.

Areas to either side of S.W. Multnomah Boulevard, near its intersection of S.W. Barbur Boulevard, are designated as appropriate for Medium-Density Multidwelling Zoning. Farther to the west on Multnomah Boulevard areas to both sides of the street are designated a appropriate for Medium-Density Single-Family zoning.

The applicant has proposed to increase the depth of the commercially zoned area of this site. While this depth is to be greater than that of neighboring properties, it is reasonably consistent with the Comprehensive Plan Map. The R1 zoning that the applicant is requesting for a part of that portion of the site, which is to the east of S.W. 24th, is adjacent to current R1 zoning. This is an appropriate extension of this R1 zoning which has been designated for other property near the Barbur Boulevard-Multnomah Boulevard Intersection.

The applicant's proposal to change the zoning of Lots 17 and the southern portion of Lot 16 of Block 7, would spread commercial zoning along a street frontage that is currently predominated by residential zoning. Though some similar situations exist off of S.W. Barbur Boulevard, they are not typical and it is clear that the general zoning trend in this area is for lots with commercial zoning to have frontage on S.W. Barbur Boulevard. This aspect of the applicant's proposal is not compatible with the Comprehensive Plan Map. The applicant has modified that aspect of the proposal to bring it into conformance with the existing patterns.

The Comprehensive Plan Map consistently indicates Low-Density Multidwelling designations between Medium-Density Single-Dwelling designated areas and areas with General Commercial designation. The applicant has requested that the area between the proposed CG zoning on this site and the R7, single-family neighborhood to the west be zoned R1 (Medium-Density Multidwelling). The requested R1 zoning along the west side of S.W. 24th Avenue is part of a currently designated R2 area that borders on an R7, single-dwelling, neighborhood. This aspect of the applicant's proposal is not compatible with the Comprehensive Plan Map.

3. Consistent with the Statewide Land Use Planning Goals:

The State Land Conservation and Development Commission (LCDC) has acknowledged the Comprehensive Plan for the City of Portland. The City goals mentioned in "LCDC and Comprehensive Plan Considerations" are comparable to the Statewide planning goals in that City Goal 1 is the equivalent of State Goal 2 (Land Use Planning); City Goal 2 addresses the issues of State Goal 14 (Urbanization); and City Goal 3 deals with the local issues of neighborhoods. The following City and State goals are similar: City Goal 4, State Goal 10 (Housing); City Goal 5, State Goal 9 (Economic Development); City Goal 6, State Goal 12 (Transportation); City Goal 7, State Goal 13 (Energy Conservation); City Goal 8, State Goals 5, 6 and 7 (Environmental Impacts); and City Goal 9, State Goal 1 (Citizen Involvement). City Goal 10 addresses City Plan Amendments and rezoning; and City Goal 11 is similar to State Goal 11 (Public Facilities and Services). Other Statewide goals relate to coastal areas, etc., and do not specifically apply to the City of Portland.

For a quasi-judicial Plan Amendment, compliance with the City's Plan goals, as discussed here, shows compliance with applicable State goals. Small quasi-judicial changes in the Plan Map are addressed in the City's periodic update of the Comprehensive Plan. Legislative Zone Changes address the Statewide planning goals more fully.

4. Consistent with any Adopted Applicable Area Plans Adopted as part of the Comprehensive Plan: There is no area plan adopted for this site location.

Goal 11A--Public Facilities (General Goal): Urban services have been established in this area, including streets, sewers, solid waste disposal, water, parks, schools and fire and police protection. There is no conflict with the Public Facilities Goal or related policies.

C. PLANNING BUREAU SECTION COMMENTS

The Long Range Planning and Urban Design Section has concerns set out in Exhibit 6j. That Section points out that the applicant has a significant burden of proof to justify the change in the Comprehensive Plan Map from R2 to CG. Neighborhood impact and replacement of housing potential are important issues. It is recommended that a condition be attached requiring that the 100 percent R2 replacement housing be constructed and receive a Certificate of Occupancy prior to occupancy of any commercial use on the site.

D. RESPONSES FROM AGENCIES AND ASSOCIATIONS

Responses from the Bureau of Environmental Services, Bureau of Transportation Engineering, Bureau of Traffic Management, Transportation Planning Section of the Bureau of Transportation Planning and Finance, Water Bureau, Fire Bureau and the Police Bureau are discussed under Part II of this Report, "Code Considerations".

The Bureau of Buildings notes that Building Permits from the Bureau of Buildings are required for this project in order to show compliance with applicable State construction Codes, requirements of other City bureaus, and any conditions of approval as may be required by this land use review.

The Bureau of Environmental Services has no objections, provided that the applicant agrees to provide the same level of sewer service to properties adjacent to this project, which may be affected by the vacation of some streets and the abandonment of public sewer serving these lots.

The Bureau of Parks, Forestry Division notes that 1 1/2 -inch diameter (trunk caliper measured 6 feet above grade) street trees are required to be located 30 feet on center along all street frontages.

III. CONCLUSIONS

This is a request to amend the Comprehensive Plan and the applicants have a significant burden of proof to justify the proposed changes. The proposed changes from residential to commercial designation and zoning and to higher density residential zoning could all have significant impacts on this neighborhood.

Providing access to S.W. 24th Avenue appears on the whole to be more in compliance with the Comprehensive Plan than to limit access to Barbur Boulevard only. The unusual shape of the site makes it appropriate for the type of storage facility proposed. Allowing access to S.W. 24th will create the best traffic flow through the site. The exit and left-turn only limitations will minimize the amount of traffic that uses S.W. 24th. Even if some of the customers ignore the left-turn only sign, there should be little actual traffic on S.W. 24th from that facility. The large majority of vehicles will be private vehicles such as small pick-ups, as approximately 85% of the customers will use the storage facility for residentially related rather than commercial storage.

Removing the storage units from locations along the access drive will allow narrowing the amount of commercially zoned and used land along S.W. 24th. The access drive can also be used for access to the residential units to be developed north of the drive in the future. Use of that drive and the access through the Medical/Dental Center could mean there will be no more access points onto S.W. 24th than there would be if only residential uses had access to that street.

A crucial aspect of this proposal is the attempt to replace the potential housing units lost by changing residential to commercial zoning. The Code and the Comprehensive Plan require there be no net less of housing potential. The applicant's original proposal would create a net gain of 7 potential housing units, but would create inappropriate impacts on the residential character of S.W. 24th. The alternate proposal minimizes the impacts of the access onto S.W. 24th, but either creates too much additional housing density by upzoning the property to the west of SW 24th, or replaces only 68 percent of the lost potential by not upzoning the property to the west. In addition, the depth of the property west of S.W. 24th is only 75 to 76 feet. As the R1 zone requires a depth of 100 feet an Adjustment must be approved to develop that site at R1 densities. An Adjustment has not been requested or reviewed, but this does raise further concerns about the appropriateness of developing this site at R1 densities. Certainly other options are available. In order to proceed the applicant will have to find a better balance that replaces lost housing potential while protecting the character of the neighborhood.

There is nothing in the Code or Plan that clearly requires replacement of existing housing with actual housing. Only lost housing potential is provided for. In fact, the applicant should not remove existing housing except as needed at the time of actual redevelopment. This will reduce the temporary loss of actual housing.

The applicant's proposal is very supportive of goals to provide diversity of housing types. Allowing R2 rather than R1 zoning be placed on the property to the west of 24th further increases diversity and protects the residential character of the neighborhood. This does mean the applicant may have to make further modifications to provide seven more potential housing units. However, other options such as finding other off-site property to upzone or using the housing pool could solve this problem. I will retain jurisdiction in the event review of use of the housing pool is needed. This does not imply that approval will or will not be given. There has, as yet, been no review of the applicable criteria.

It is appropriate to protect the character of the neighborhood by requiring the R1-zoned area east of S.W. 24th to meet R2 development standards. This will provide a better transition without imposing unreasonable restrictions on development of the property. Preservation of existing trees will also help preserve the compatibility with the existing character. And protection of the stream on the west portion of the site may be appropriate. This needs to be reviewed with an actual development proposal. It is not appropriate to impose requirements that would try to retain an R7 character when the area is already designated for R2 zoning.

It is of concern that the CG zone will allow many other general commercial use. That could have significantly higher traffic impacts than the proposed storage facility. For that reason, the Office of Transportation should be given authority to review and approve any such changes in use. In addition, the CG zoning that allows the access drive to S.W. 24th is allowed solely because the proposed commercial use needs a through circulation system and will not generate enough traffic to create a problem on S.W. 24th. Commercial use of that driveway should terminate if or when the commercial portion of the site is not used as proposed.

IV. RECOMMENDATION

It is the Recommendation of the Hearings Officer to Approve the requested Comprehensive Plan Amendment and Zone Changes in conformance with the dimensions described in Exhibit 8f, as follows:

- Amend the Comprehensive Plan Designation and Zone on Lots 12, 13, 14 and 15 of Block 8, the easterly portions of Lots 6, 7, 8, 9, 10, the southeasterly portion of Lot 11, and the south portion of Lot 17 Block 7 from the current R7 (R2) designation and zoning, to the requested CG (General Commercial) designation and zoning.
- Amend the Comprehensive Plan and Zone on the westerly portions of Lots 6, 7, 8, 9, 10, and 11, the northerly portion of Lot 17, and Lots 12, 13, 14, 15, and 16, Block 7 from the current R7 (R2) designation and zoning to the requested R1 (Medium-Density, Multidwelling Residential) designation and zoning.
- Amend the Zone on the northern portion of Lot 2 and on Lots 3 through 9, Block 6 from R7 to R2 in compliance with the Comprehensive Plan.

All the above approvals are subject to the following conditions:

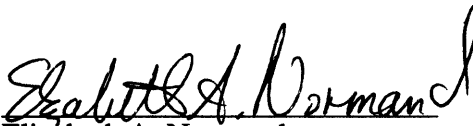
- A. The two large cedars and the two large Douglas firs to the west of S.W. 24th and any trees which have trunks over 8 inches in diameter measured at 6 feet above grade that are within the required setback along S.W. 24th Avenue may not be removed unless necessary and only as approved by the Bureau of Planning and the City Forester.
- B. The access drive from the storage facility onto S.W. 24th Avenue will be for exiting traffic only. It will be signed to allow a left turn only and the applicant will inform all customers of the right turn limitation and require them to comply with that limitation. This access drive will not have any storage facilities located along its width and will be the minimum width approved by the Office of Transportation. When the residential parking for the R1 zoned area to the north of the drive is developed, it must share this drive to reduce the number of access points on S.W. 24th. The applicant is also encouraged to provide access to residential parking through the parking area of the Southwest Medical/Dental Center to reduce access points onto S.W. 24th.

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- C. The vehicle access, onto S.W. Barbur Boulevard, must be designed or signed so that traffic will not be allowed to turn left from the site onto S.W. Barbur Boulevard.
- D. No existing housing units will be demolished unless necessary for actual development of that portion of the site.
- E. Any change to another commercial use permitted within the CG zone that will generate any more traffic than the proposed storage facility, must be reviewed and approved by the Office of Transportation. In addition, the CG zoning on the access drive to S.W. 24th shall automatically revert to R1 zoning if the site is not developed for the proposed storage facility or at any time the use of the site for the storage facility terminates.
- F. The existing accessory parking area on Lots 11,12,13 and 14, Block 7 must be vacated, the paving removed and the entire area landscaped to the L1 standard at the time the storage facility is developed.
- G. Before any Building Permits are approved, the applicant must provide an additional 7 potential housing units to replace those lost by the change to commercial designation. The Hearings Officer retains jurisdiction in this matter in the event Hearings Officer approval is needed for creating those potential units.
- H. The applicant will be responsible to provide for any right-of way improvements, as required by the Office of Transportation. Right-of-way improvements along S.W. 24th must be completed at the time of development of the storage facility, if so required by the Office of Transportation, whether or not the R1 or R2 zoned portions of the site along S.W. 24th are redeveloped for residential use at that time.
- I. The proposed vehicle access to S.W. Barbur Boulevard will require an access permit from the Oregon State Department of Transportation.
- J. The development plans submitted as a part of this application are not approved as a part of this Recommendation. The applicant must apply for Design Review, as required by Chapter 33.284, for consideration of the development plans for the proposed self-service storage facility
- K. Permittees must comply with the provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.
- L. A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings at the Permit Center on the first floor of The Portland Building, 1120 S.W. 5th Avenue, Portland, Oregon 97204, 796-7310, before carrying out this project, in order to assure that all conditions imposed here and all requirements of the pertinent Building Codes are met.
- Denial of the requested Comprehensive Plan Amendment at Lots 3, 4, 5, 6, 7, 8, 9 and the northern portion of Lot 2, Block 6 from the current R7 (R2) designation to the requested R1(Medium Density, Multidwelling Residential), and denial of the requested Zone Change from R7 to R1.

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Recommendation mailed this 16th day of August, 1991.

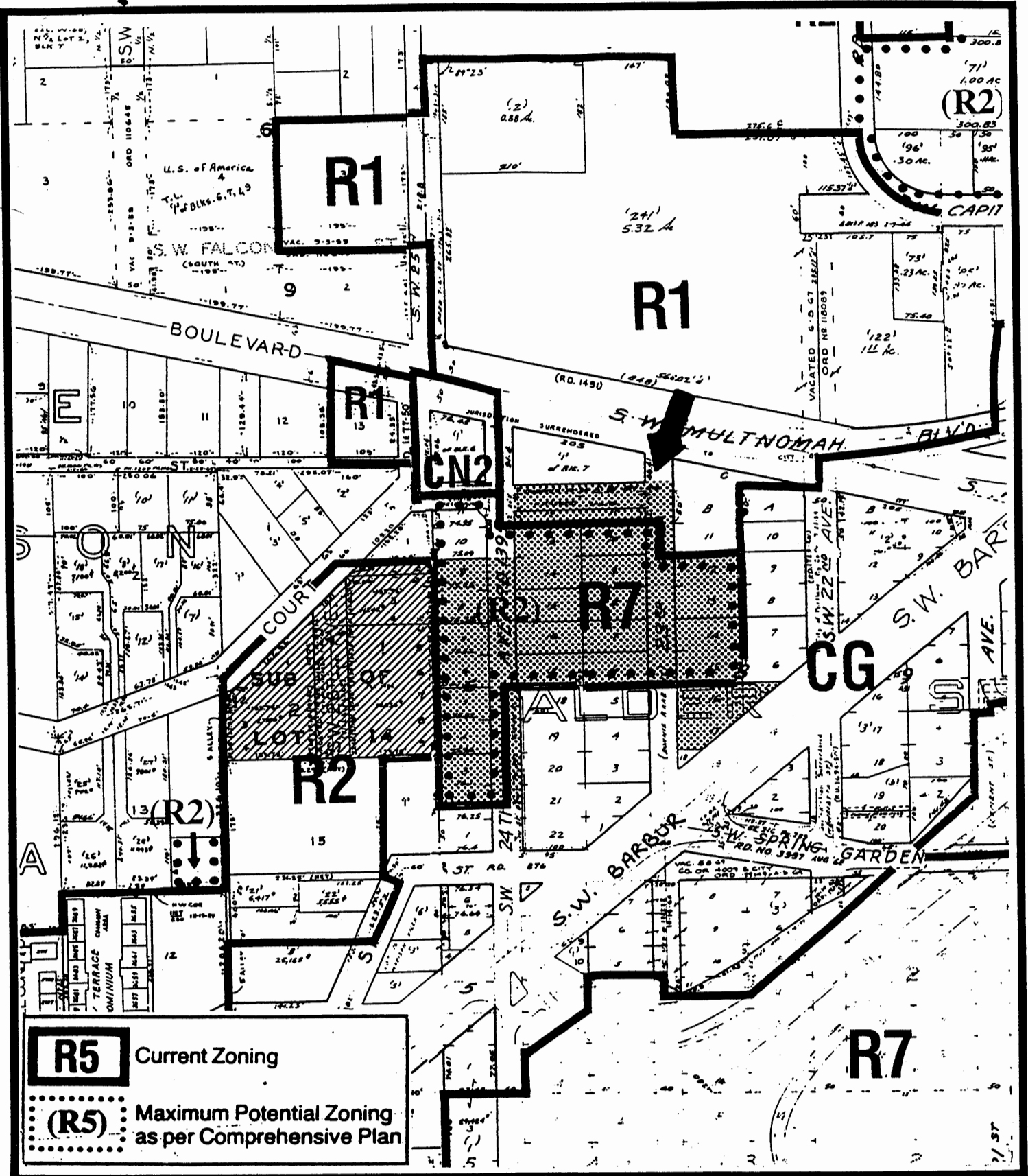

Elizabeth A. Normand
Hearings Officer

Recommendations of the Hearings Officer may be appealed to City Council. Whether or not appealed, this Recommendation of the Hearings Officer is effective only upon passage of an Ordinance by City Council.

ANY APPEAL OF THIS RECOMMENDATION MUST BE FILED AT THE PERMIT CENTER ON THE FIRST FLOOR OF THE PORTLAND BUILDING, 1120 S.W. 5TH AVENUE, 97204 (796-7526) NO LATER THAN 4:30 P.M. ON AUGUST 30, 1991. An appeal fee of **\$548.86** will be charged (one-half of the application fee for this case). Information and assistance in filing an appeal can be obtained from the Bureau of Planning at the Permit Center.

Failure to raise an issue by the close of the record at or following the final hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Failure to provide sufficient specificity to allow the review body to respond to an issue raised precludes appeal to LUBA based on that issue.



Zoning existing

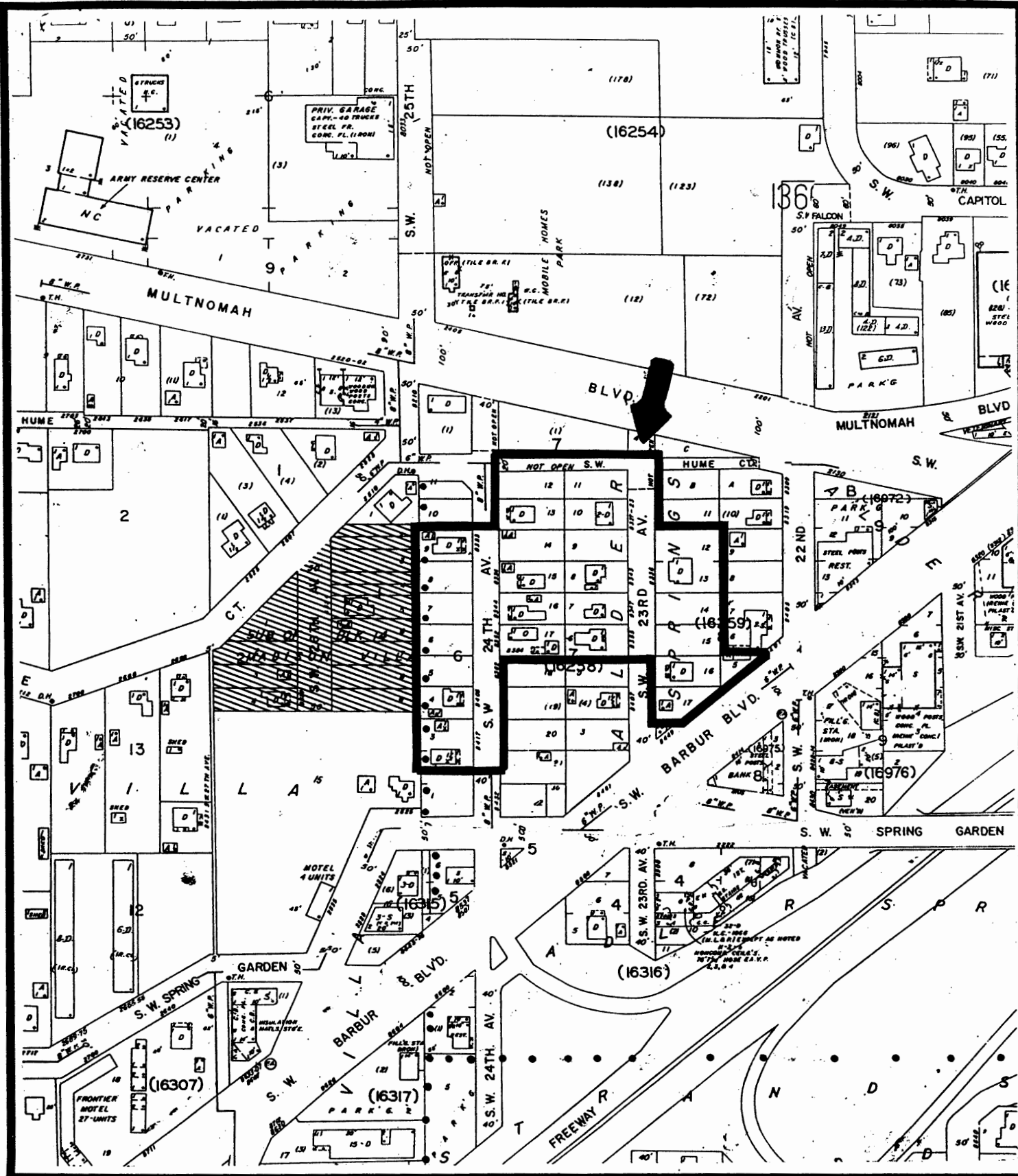


File No. WR 91-00349 CP 2C
 1/4 Section 3B27
 Scale 1" = 200'
 Request
 Exhibit 3 a.

Zoning proposed



File No. WR 91 - 00349 CP 2C
1/4 Section 3827
Scale 1" = 200'
Request _____
Exhibit 3 b.



Land Use

File No. WR 91-00349 CP 2C
 1/4 Section 3827
 Scale 1" = 200'
 Request 4
 Exhibit 4



SITE DATA

STORAGE SITE (AREA B)

SITE AREA	18,472 SQ. FT. (1.47 AC)
PAVING AREA	12,138 SQ. FT.
LANDSCAPE AREA	6,334 SQ. FT.
PERMITS	(1) PLANNING (2) ENGINEERING (3) PUBLIC WORKS (4) FIRE DEPT. (5) HEALTH DEPT. (6) ENVIRONMENTAL (7) UTILITIES (8) ZONING
APPROVED	NO APPROVALS YET

MULTIFAMILY SITE (AREA A)

SITE AREA	7,847 SQ. FT.
PAVING AREA	1,846 SQ. FT.
LANDSCAPE AREA	6,001 SQ. FT.
PERMITS	(1) PLANNING (2) ENGINEERING (3) PUBLIC WORKS (4) FIRE DEPT. (5) HEALTH DEPT. (6) ENVIRONMENTAL (7) UTILITIES (8) ZONING
APPROVED	NO APPROVALS YET

OFFICE SITE (AREA C)

SITE AREA	2,000 SQ. FT.
PAVING AREA	1,000 SQ. FT.
LANDSCAPE AREA	1,000 SQ. FT.
PERMITS	(1) PLANNING (2) ENGINEERING (3) PUBLIC WORKS (4) FIRE DEPT. (5) HEALTH DEPT. (6) ENVIRONMENTAL (7) UTILITIES (8) ZONING
APPROVED	NO APPROVALS YET

MULTIFAMILY SITE (AREA D)

SITE AREA	2,000 SQ. FT.
PAVING AREA	1,000 SQ. FT.
LANDSCAPE AREA	1,000 SQ. FT.
PERMITS	(1) PLANNING (2) ENGINEERING (3) PUBLIC WORKS (4) FIRE DEPT. (5) HEALTH DEPT. (6) ENVIRONMENTAL (7) UTILITIES (8) ZONING
APPROVED	NO APPROVALS YET

AREA SUMMARY

USE	AREA (SQ. FT.)	PERCENTAGE
STORAGE	18,472	100%
MULTIFAMILY	19,894	108%
OFFICE	2,000	11%
TOTAL	40,366	219%

R-2
CG

PROPOSED ZONING R-2 CG

LUR 91-00349 CP 2C

SITE PLAN



ORDINANCE NO. 164627

*Amend the Comprehensive Plan Map and change the zone of property at S.W. Barbur Boulevard, 23rd and 24th Avenues, and S.W. Hume Court, from R7 Residential to CG General Commercial and R1 Multidwelling Residential. (Ordinance; 91-00349 CP ZC).

The City of Portland ordains:

Section 1. The Council finds:

1. The applicants, Shurgard Capitol Group, optional purchaser, and A. Melvin DeCarrico, Robert R. Harlan and Shoun Ishikawa, individually and as Southwest Medical-Dental Center, and James V. and Marta M. Frank, contract purchasers and deedholders, seek a Comprehensive Plan Map Amendment from Single-Dwelling Residential to General Commercial and a Zone Change from R7 to CG for the following: Lots 6, 17 and portions of Lots 7-11 & 16, Block 7, Lots 12-15, Block 8. (Note: Lots 4, 5, 16 & 17, Block 8, already CG); a Comprehensive Plan Map Amendment from Single-Dwelling Residential to Multidwelling Residential and a Zone Change from R7 to R1 for the following: Lots 13-15 and a portion of Lot 16, Block 7, N 1/2 of Lot 2 and Lots 3-9, Block 6. (Note: Lot 12, Block 7, is already R1), located at S.W. Barbur Boulevard, 23rd and 24th Avenues, and S.W. Hume Court.
2. An application complying in all respects with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland and seeking such a Comprehensive Plan Map Amendment and Zone Change has been received.
3. Applicants have paid the proper fee for the filing of such application.
4. The City's Hearings Officer by Report and Recommendation dated August 16, 1991 (Planning Commission File No. 91-00349 CP ZC), after and as a result of a duly authorized and conducted public hearing held July 30, 1991, on said property, has recommended that Comprehensive Plan Map Amendments and Zone Changes be granted, with conditions.
5. The notice requirements for public hearings were fulfilled according to law.
6. This rezoning constitutes an amendment of the City's Comprehensive Plan Map. Based upon the facts and findings and conclusions of the Hearings Officer's Report and Recommendation, this amendment of the Comprehensive Plan Map from Single-Dwelling Residential to General Commercial and Multidwelling Residential is found to be in accordance with the Comprehensive Plan.
7. This rezoning is in conformance with the Comprehensive Plan for the City, is in accordance with generally accepted land use planning standards and with applicable City and State legislative enactments as indicated in the Report of the Hearings Officer.

NOW, THEREFORE, the Council directs:

- a. That the facts, findings, conclusions and recommendation of the Hearings Officer in P.C. File No. 91-00349 CP ZC are adopted by City Council.
- b. The Comprehensive Plan Map is amended and the zones are changed as follows:

Amend the Comprehensive Plan Designation and Zone on Lots 12, 13, 14 and 15 of Block 8, the easterly portions of Lots 6, 7, 8, 9, 10, the southeasterly portion of Lot 11, and the south portion of Lot 17 Block 7 from the current R7 (R2) designation and zoning, to the requested CG (General Commercial) designation and zoning.

Amend the Comprehensive Plan and Zone on the westerly portions of Lots 6, 7, 8, 9, 10, and 11, the northerly portion of Lot 17, and Lots 12, 13, 14, 15, and 16, Block 7 from the current R7 (R2) designation and zoning to the requested R1 (Medium-Density, Multidwelling Residential) designation and zoning.

Amend the Zone on the northern portion of Lot 2 and on Lots 3 through 9, Block 6 from R7 to R2 in compliance with the Comprehensive Plan.

c. This Zone Change is granted under the following conditions:

- 1) The two large cedars and the two large Douglas firs to the west of S.W. 24th and any trees which have trunks over 8 inches in diameter measured at 6 feet above grade that are within the required setback along S.W. 24th Avenue may not be removed unless necessary and only as approved by the Bureau of Planning and the City Forester.
- 2) The access drive from the storage facility onto S.W. 24th Avenue will be for exiting traffic only. It will be signed to allow a left turn only and the applicant will inform all customers of the right turn limitation and require them to comply with that limitation. This access drive will not have any storage facilities located along its width and will be the minimum width approved by the Office of Transportation. When the residential parking for the R1 zoned area to the north of the drive is developed, it must share this drive to reduce the number of access points on S.W. 24th. The applicant is also encouraged to provide access to residential parking through the parking area of the Southwest Medical/Dental Center to reduce access points onto S.W. 24th.
- 3) The vehicle access, onto S.W. Barbur Boulevard, must be designed or signed so that traffic will not be allowed to turn left from the site onto S.W. Barbur Boulevard.
- 4) No existing housing units will be demolished unless necessary for actual development of that portion of the site.
- 5) Any change to another commercial use permitted within the CG zone that will generate any more traffic than the proposed storage facility, must be reviewed and approved by the Office of Transportation. In addition, the CG zoning on the access drive to S.W. 24th shall automatically revert to R1 zoning if the site is not developed for the proposed storage facility or at any time the use of the site for the storage facility terminates.
- 6) The existing accessory parking area on Lots 11, 12, 13 and 14, Block 7 must be vacated, the paving removed and the entire area landscaped to the L1 standard at the time the storage facility is developed.
- 7) Before any Building Permits are approved, the applicant must provide an additional 7 potential housing units to replace those lost by the change to commercial designation. The Hearings Officer retains jurisdiction in this matter in the event Hearings Officer approval is needed for creating those potential units.
- 8) The applicant will be responsible to provide for any right-of way improvements, as required by the Office of Transportation. Right-of-way improvements along S.W. 24th must be completed at the time of development of the storage facility, if so required.

ORDINANCE No.

by the Office of Transportation, whether or not the R1 or R2 zoned portions of the site along S.W. 24th are redeveloped for residential use at that time.


- 9) The proposed vehicle access to S.W. Barbur Boulevard will require an access permit from the Oregon State Department of Transportation.
 - 10) The development plans submitted as a part of this application are not approved as a part of this Recommendation. The applicant must apply for Design Review, as required by Chapter 33.284, for consideration of the development plans for the proposed self-service storage facility
 - 11) Permittees must comply with the provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.
 - 12) A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings at the Permit Center on the first floor of The Portland Building, 1120 S.W. 5th Avenue, Portland, Oregon 97204, 796-7310, before carrying out this project, in order to assure that all conditions imposed here and all requirements of the pertinent Building Codes are met.
- d. No change shall be made to the zoning maps until the effective date of this ordinance.
- Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described property; therefore this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council **SEP 11 1991**

BARBARA CLARK

Auditor of the City of Portland

By

 Deputy

Agenda No.

ORDINANCE NO. 164627

Title

*Amend the Comprehensive Plan Map and change the zone of property at S.W. Barbur Boulevard, 23rd and 24th Avenues, and S.W. Hume Court, from R7 Residential to CG General Commercial and R1 Multidwelling Residential. (Ordinance; 91-00349 CP ZC)

INTRODUCED BY	Filed: SEP 6 1991
COMMISSIONER KAFOURY	Barbara Clark Auditor of the City of Portland
NOTED BY COMMISSIONER	
Affairs	
Finance and Administration	By: <u>Joan R Engst</u> Deputy
Safety	For Meeting of:
Utilities <u>gmk</u>	Action Taken:
Works	<input type="checkbox"/> Amended
BUREAU APPROVAL	<input type="checkbox"/> Passed to Second Reading _____
Bureau: Hearings Office	<input type="checkbox"/> Continued to:
Prepared by <u>EN</u> Date E.A. Normand/ja 8/16/91	
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not Required	
Bureau Head: Barbara Clark	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
Consent <input checked="" type="checkbox"/> Regular	Blumenauer	Blumenauer	YEAS <input checked="" type="checkbox"/>	NAYS
NOTED BY	Bogle	Bogle	<input checked="" type="checkbox"/>	
City Attorney	Kafoury	Kafoury	<input checked="" type="checkbox"/>	
City Auditor	Lindberg	Lindberg	<input checked="" type="checkbox"/>	
City Engineer	Clark	Clark	<input checked="" type="checkbox"/>	