

SE 122nd Avenue Rezone Project

Exhibit B: Findings

September 2012



Bureau of Planning and Sustainability

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Introduction

The SE 122nd Avenue Rezone project addresses a shortage of commercially zoned land intended to support neighborhood serving businesses along the Southern portion of SE 122nd Avenue between Powell Boulevard and Foster Road. The project also includes additional consideration of home business regulations, and multi-dwelling design and location strategies intended to improve the aesthetics and function of this SE Portland neighborhood.

The findings presented in this report address only the Comprehensive Plan Map and Zoning Map proposals for the SE 122nd Avenue Rezone project area. The home occupation regulation revisions and changes to the City's residential design standards and zoning configurations will be considered in a broader context during the Comprehensive Plan Update, now underway. For the purposes of this exhibit, the Comprehensive Plan Map and Zoning Map proposals will be referenced as the "SE 122nd Avenue Rezone proposal".

Relationship to Statewide Land Use Planning

Comprehensive land use planning in Oregon was mandated by the 1973 Legislature with the adoption of Senate Bill 100 (ORS Chapter 197). Under this Act, the State Land Conservation and Development Commission (LCDC) was created and directed to adopt statewide planning Goals and Guidelines. These Goals and Guidelines were adopted by LCDC in December 1974 and became effective January 1, 1975. Under state law, comprehensive plans must comply with the statewide planning goals. Portland's *Comprehensive Plan* meets this requirement. The SE 122nd Avenue Rezone Proposal revises Portland's *Comprehensive Plan* map only and not the *Comprehensive Plan's* goals and policies.

The zoning code is a municipal tool for carrying out the intent of the Comprehensive Plan. The SE 122nd Avenue Rezone Proposal revises the Zoning Map only and does not amend any zoning code language.

How This Document is Structured

This document is organized into five sections: General Findings, Statewide Planning Goals Findings, *Metro Urban Growth Management Functional Plan* Findings, Portland *Comprehensive Plan* Findings, *Outer SE Community Plan* Findings and *Powellhurst-Gilbert Neighborhood Plan* Findings. Within these sections, the individual findings generally consist of two parts: (1) a brief explanation of the criteria (goal, policy, objective, further statement, etc. against which the SE 122nd Avenue Rezone Proposal is judged for consistency; and (2) statements that support a determination of consistency. If a finding on a given measure (goal, title, policy, objective, further statement, etc.) is not included in this document, it is because it has been determined to be inapplicable to the SE 122nd Avenue Rezone Proposal.

General Findings

1. In July 1996, the City Council adopted the Outer Southeast Community Plan (Ordinance No. 169763). The boundaries of the Plan area are NE Glisan to SE Clatsop, and SE 62nd to the eastern-most city boundary (varies from 174th to 162nd). The Plan includes policies for Economic Development and Housing that describe increasing opportunities for new businesses and locating multifamily development in areas convenient for shopping. The Plan implemented zoning changes, including along southern portions of SE 122nd Avenue that are the subject of the SE 122nd Avenue Rezoning Project, from single-family residential and commercial to multi-family residential. The housing goals of the Plan include 14,000 new housing units to be built by 2015. The Plan did not add any additional commercial zoning to the southern end of SE 122nd Avenue.
2. Ten years after the adoption of the Outer SE Community Plan and after a period of rapid growth and change in East Portland, the Bureau of Planning initiated a study to examine community change and infill development issues in East Portland. The East Portland Review, which encompassed the 13 neighborhoods of East Portland plus the Brentwood-Darlington, Cully, Madison South, Montavilla, Mt Scott-Arleta, and Sumner neighborhoods, was completed in November 2007. The East Portland Review noted that livability in the plan area was affected by the significant amounts of change and development experienced by the area over the previous 20 years. The East Portland Review also noted that by 2006, East Portland had achieved 85% of the housing goal (11,900 units out of 14,000 units) set for 2015 by the Outer SE Community Plan. Since 2006, an additional 2,214 units have been built for a total of 14,114 units since 1996. The East Portland Review led to the development of the East Portland Action Plan.
3. On February 18, 2009, the City Council adopted the East Portland Action Plan (Resolution No. 36682) and provided funding to hire an advocate and complete several small projects identified by the East Portland Action Plan. The Plan contains strategies and actions to provide guidance and direction to public agencies, non-profit organizations, businesses and individuals; ultimately to improve the quality of life, help foster strong community connections, increase the area's regional significance and improve equity for the East Portland community.

Several of the actions call for exploration of land use, infill development, and infrastructure issues, and one item specifically calls for a pilot study of these issues. The SE 122nd Avenue area between SE Division and SE Foster was chosen as the location for the pilot study and was partly funded through the East Portland Action Plan 2009-2010 implementation budget.

4. On February 22, 2011, the Bureau of Planning and Sustainability staff presented the findings of the SE 122nd Avenue Study: a Pilot Project of The Portland Plan to the Planning and Sustainability Commission. The project focused on several themes explored by the East Portland Action Plan: Accessibility, Connections, Pedestrian Comfort and Safety; Convenience and Availability of Services and Employment Opportunities; Residential Infill Development and Design; and Community Amenities and Livability.

During the public hearing and at subsequent budget hearings, the East Portland community advocated for continuation of the work identified in the Pilot Project, with specific attention

on adding more commercial zoning. For the 2011-2012 budget year, the City Council provided funding for the SE 122nd Avenue Rezoning Project.

5. The SE 122nd Avenue Rezoning Project was developed to address the following items identified in the Pilot Project:

-Consider changes to zoning to support the desired retail environment, including the potential for a grocery store at the south end of the study area.

-Explore and develop a regulatory tool that allows small commercial uses and/or mixed use development in areas currently zoned R1 beyond what is currently allowed through the Accessory Home Occupation allowance described in Zoning Code Chapter 33.203.

-Improve residential design: explore use of the design overlay zone or special development design standards appropriate for R1 and R2 zone multi-dwelling areas along and near SE 122nd Avenue.

6. As proposed, the SE 122nd Avenue Rezone project will change the zoning on approximately 17 acres to a commercial zoning designation. The Comprehensive Plan Map designation will be changed on an additional five acres (approx) of land to a Neighborhood Commercial designation. Another 2.6 acres of single-dwelling zoned land are changing to the (OS) Open Space zone. These parcels are part of the Leach Botanical Garden and were inadvertently missed during a "clean-up" project for public properties in 1999.

In addition, the SE 122nd Avenue Rezone project recommends additional analysis for potential changes to the city's Home Occupation (home business) program, and areas for additional analysis and community discussion regarding residential density and compatibility issues to the Comprehensive Plan update project.

Findings on Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply to the SE 122nd Avenue Rezone Proposal.

7. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. Preparation of the SE 122nd Avenue Rezone Project provided numerous opportunities for public involvement, including the following:

- a. A public outreach program began with the SE 122nd Avenue Pilot Project in 2009 and was continued with this project starting in August 2011 when the original Project Advisory Group was invited to participate in the project, and continued through the first public hearings with the Portland Planning and Sustainability Commission on June 26th, 2012.
- b. On August 4th, 2011 an e-mail invitation was sent to individuals and organizations not on the original Project Advisory Group (PAG) who had expressed an interest in the

Project; several responded with interest and joined the first meeting of the PAG on September 29th, 2011.

- c. Additional PAG meeting were held on November 17th, December 15th, January 26th, 2011, March 29th and April 13th, 2012. Two neighborhood strolls with discussions afterward occurred on Saturday October 22nd and Tuesday October 25th. All gatherings were open to the public and held at Leander Court Apartments in the Community Room.
- d. On February 23, 2012, an Open House event was held at the Gilbert Park Elementary School for public review of the proposed rezone areas and suggestions for additional study and outreach on housing design and home businesses. This event was attended by over 60 interested community members.
- e. At the March 29th 2012 and April 13th PAG meeting, the PAG discussed the proposed zoning and changes that resulted from the open house. The group made further refinements to the map.
- f. Planning staff periodically met with and engaged in telephone and email exchanges with property owners, developers, members of the business community and other interested parties in regard to the project. Including attendance at the Midway Business Association meetings and the Powellhurst Gilbert Neighborhood Associations.
- g. The project website was regularly updated to include notices of upcoming events and other pertinent information. Press releases about the project were widely distributed at key milestones/events.
- h. Project media coverage included articles in the Oregonian, the East Portland Neighborhood News and the Portland Business Journal.
- i. Notice of Proposed Amendment was sent to the State Department of Land Conservation and Development (DLCD) and Metro on February 14th, 2012.
- j. A public hearing notice regarding the June Portland Planning Commission hearing on the SE 122nd Avenue Rezone Project was sent to over 2700 interested parties on May 23rd, 2012.
- k. Measure 56 notification of the June public hearing was sent to all property owners potentially affected by proposed zoning map changes on June 1st, 2012.
- l. On June 9th, 2012, the Bureau of Planning and Sustainability published the *SE 122nd Avenue Rezone Project Report*, planning staff's proposal to the Portland Planning and Sustainability Commission. The document was made available to the public through the project website on June 11th, 2012 and hard copies of the document were available at the bureau office. Hard copies were mailed to members of the PAG and to approximately twenty property owners who requested a copy.
- m. The Portland Planning and Sustainability Commission held an evening hearing regarding the SE 122nd Avenue Rezone proposal on June 26th, 2012. The community had the opportunity to offer public testimony on the proposal.

8. **Goal 2, Land Use Planning**, requires the development of a process and policy framework which acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are consistent with this goal because the Zoning Code contains procedures that were followed and criteria that have been satisfied for the development and adoption of the SE 122nd Avenue Rezone Project. The required legislative process as described in Portland City Code 33.740 was followed. In addition, the applicable approval criteria for legislative Comprehensive Plan Map Amendments, described in 33.810 and for Zoning Map Amendments, described in 33.855, have been evaluated and satisfied as described in the findings below.

9. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity.

The SE 122nd Avenue Rezone Project supports this goal by increasing the availability of commercially zoned parcels in a neighborhood where currently less than six percent of land is available for commercial activity compared to ten percent which is more common for other Portland neighborhoods. It prioritizes commercial zoning designations that have traditionally encouraged neighborhood-serving businesses (CN) and mixed residential/commercial development (CM). The welfare of residents is advanced by providing greater opportunity for uses like child day care, local restaurants, and general retail. Access to these goods and services is likely to improve as businesses develop within the neighborhood.

The proposed zoning changes have the potential to attract businesses that foster a positive identity for the area, support a local economy, and provide walking-distance businesses and other community amenities for current and future residents. Proposed increases in mixed-use development may strengthen existing commercial development by expanding the base of potential customers and employees located nearby.

10. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments support this Goal by providing for a mix of housing types in this outer SE Portland neighborhood and by facilitating the development of businesses that will serve the surrounding residential neighborhoods, making them more attractive for subsequent development. The proposed zoning designations (CN1, CN2, CS and CM,) all allow residential development as a permitted use. The CM zone requires a residential component in new development proposals. These same zones, through the development standards and list of allowed uses are designed to promote businesses that can successfully locate within and provide goods and services for surrounding residential neighborhoods. In this case the surrounding neighborhood is a mixture of single family and multi-family zoned properties. Many of the multi-family zoned properties have yet to be developed to their full zoning potential. The availability of neighborhood oriented goods and services in proximity to these residential development sites help establish this area as a "complete neighborhood" and increase its attractiveness to both potential residents and developers. See also findings for Portland Comprehensive Plan Goal 4, Housing, and Metro Title 1.

11. **Goal 11, Public Facilities and Services**, requires planning and development of a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for development. The SE 122nd Avenue Rezone Project is a limited area map change in a growing urban area with adequate public facilities. Transportation, stormwater management, water, fire and police protection, sewer and solid waste collection systems are all in-place serving this area. See also findings for Policy 6.18 and Goal 12 Transportation.
12. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments support this goal as stated below. See also findings for Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.

The City's Bureau of Transportation has conducted an analysis of the impact that the proposed zoning changes will have on the transportation system. This report, the "Southeast Avenue Rezoning Project Transportation Analysis" dated May 2012 (revised 6/1/2012) is attached as Appendix E to the SE 122nd Avenue Project report. Using accepted traffic engineering methodology this analysis identified the geographic extent of the traffic impacts that will occur because of the rezoning and determined if the increased traffic falls below the threshold that determines "significant impact" on state and local facilities. Specifically, all intersections, and particularly the intersection at SE Powell Boulevard and SE 122nd Avenue are projected to fall below the 0.99 volume/capacity (v/c) metric required by the Oregon Department of Transportation to determine compliance with Goal 12. The conclusion of this analysis is that the proposed rezonings will "have no significant impact on the local street network or important ODOT facilities."

The SE 122nd Avenue Rezone Project includes the intersection of SE 122nd Avenue and Powell Boulevard (US 26), a facility under the jurisdiction of the Oregon Department of Transportation. This intersection is a top 5% Safety Priority Index System (SPIS) location. The SPIS system examines three years of crash frequency, crash rate, and crash severity data to determine where high priority safety fixes are needed. In the vicinity of this intersection there are a large number of crashes involving vehicles turning in to and out of driveways on Powell Blvd. PBOT and ODOT staff have tentatively identified traffic safety improvements required to address these safety concerns that include, but are not limited to, traffic separators, two way left-turn lanes and a fully developed eastbound right-turn lane on Powell Boulevard at SE 122nd Avenue. These improvements are consistent with the *Outer Powell Boulevard Conceptual Design Plan* endorsed by the City of Portland and the Oregon Department of Transportation.

To ensure that intensification of land uses at the intersection of Powell Boulevard and SE 122nd Avenue are safely accommodated, City Council is directing the Portland Bureau of Transportation to work cooperatively with the Oregon Department of transportation develop a traffic safety plan for this intersection, including a financing program that allocates the cost of these improvements, and incorporates this work into the Portland Transportation Systems Plan. (See resolution _____.)

Eight properties that have frontage on Powell Boulevard that were originally proposed for rezoning will have their Comprehensive Plan Map designation changed to (NC)

Neighborhood Commercial instead. Subsequent quasi-judicial applications for zone changes to these properties will be required to address the safety concerns identified at this intersection by the traffic safety plan and contribute to specified safety mitigations appropriate for the specific zone change. These safety improvements shall occur in advance of or concurrent with the rezoning of these properties.

Overall, by allowing for neighborhood serving commercial uses in close proximity to residential neighborhoods the 122nd Avenue Rezoning Project promotes a balanced multi-modal transportation system that is consistent with the city's Transportation System Plan and land use vision for 122nd Avenue from Powell Boulevard to Foster Road. This project is supported by the existing transportation facilities for vehicular circulation, transit, bicycles and enhancements to the pedestrian environment.

13. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The SE 122nd Avenue Rezone Project is consistent with this goal because its Comprehensive Plan Map and Zoning Map amendments promote the establishment of a compact urban form, including a mix of uses supported by an enhanced pedestrian system. This urban form and supporting multi-modal transportation system may result in decreased use of single-occupancy vehicles and a reduction of fuel consumption. By adding the opportunity for additional neighborhood serving commercial uses at the south end of 122nd Avenue, these zone changes increase the likelihood that residents of the adjoining residential neighborhoods will be able to access their daily shopping and entertainment needs locally through active transportation, with an attendant reduction in transportation energy demand.

Findings on Metro Urban Growth Management Functional Plan

The following elements of the *Metro Urban Growth Management Functional Plan* are relevant and applicable to the SE 122nd Avenue Rezone Project.

14. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The SE 122nd Avenue Rezone Project is consistent with this title because it will increase the development capacity of the city by applying Mixed-use Commercial/Neighborhood Commercial/Storefront commercial designations to the project area that increases the potential for retail, housing, and employment opportunities beyond that allowed by the current land use and zoning designations. See also findings under Comprehensive Plan Goals 4 (Housing) and 5 (Economic Development).
15. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types. The proposal is consistent with this title because it promotes opportunities for a diversity of mixed use and housing development along sections of SE 122nd Avenue. The proposal adds Neighborhood Commercial (CN1 and CN2), Mixed Commercial (CM), Storefront Commercial (CS) designations to the zoning mix of the neighborhood. All of these zones allow for residential development while the CM zone requires inclusion of residential development as a component of mixed use development. Furthermore, the surrounding residential neighborhoods are a mix of

single- dwelling and multi-dwelling zones with significant remaining development potential. The rezoning proposed by the SE 122nd Avenue Rezone Project will enable the introduction of neighborhood serving commercial uses to serve new development in the adjoining neighborhoods and will enhance their utility to future residents and attractiveness as development sites.

Findings on Portland's Comprehensive Plan Goals, Policies, and Objectives

The following goals, policies and objectives of the *Portland Comprehensive Plan* are relevant and applicable to the SE 122nd Avenue Rezone Project.

- 16. Goal 1, Metropolitan Coordination,** calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The SE 122nd Avenue Rezone Project is consistent with this goal because project proposals do not change policy or intent of existing regulations relating to metropolitan coordination and regional goals. The comprehensive plan map and zoning map change proposals are to be implemented within the existing regional goals, objectives and plans.

SE 122nd Avenue between Powell Blvd and Foster Road has been identified in the Metro 2040 Growth Concept Plan as a regional corridor because of its 4 vehicle lanes, proximity to Regional Main Streets, and access to transit. By providing for a mix of residential and commercial uses accessible by active and public transportation that serve the surrounding neighborhood, the proposals in this plan align the Portland Comprehensive Plan map and zoning map to existing Metro policy.

- 17. Goal 2, Urban Development,** calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The SE 122nd Avenue Rezone Project supports this goal because the land use and zoning pattern proposed for SE 122nd Avenue increases opportunity for additional commercial and mixed use development along the main corridor while retaining the residential character of the overall neighborhood area. Zoning proposals are tailored to small scale development serving local, not regional consumption. Such small scale development is more likely to preserve the neighborhood's cultural diversity and residential character.

- 18. Policy 2.1, Population Growth,** calls for accommodating the projected increase in city households. The SE 122nd Avenue Rezone Project supports this policy because the proposal only modifies the residential zoning along SE 122nd Avenue and at key nodes, while retaining the R1 and R2 designations for the remainder of the area. Additional residential capacity within the project area is 650 units, although the area has already achieved and exceeded the targeted density for 2015 identified in the Outer SE Community Plan. The Storefront Commercial (CS), Mixed Commercial (CM), and Neighborhood Commercial (NC) designations also have development potential for residential apartments to be built above or otherwise in conjunction with retail establishments. See findings for Policies 2.9 and 10.7.

- 19. Policy 2.2, Urban Diversity,** calls for promoting a range of living environments and employment opportunities in order to attract and retain a stable and diversified population. The Comprehensive Plan map and zoning changes of the SE 122nd Avenue Rezone Project

support this policy by facilitating the subsequent development of approximately 22 acres of commercial and mixed-use development in an otherwise underserved neighborhood. An additional two acres of (OS) Open Space zoning is also proposed at the south end of the study area in support of the Leach Botanical Gardens, a publically owned open space operated by Portland Parks Bureau. By bringing nonconforming uses into compliance, the project supports a diversity of business sizes and encourages locally owned business establishments. The increase in commercially zoned lots increases opportunities for local business and local employment, and the increase in open space provides certainty to parks planning and community involvement with the park. The SE 122nd Avenue Rezone Project also increases economic opportunity within one of Portland's most diverse neighborhoods. The Powellhurst-Gilbert neighborhood has a sizeable Hispanic, Asian, and Black community- Hispanics and Asians make up 15 percent of the population each, Blacks 9 percent, and Whites 58 percent.

20. **Policy 2.6, Open Space**, requires that opportunities for recreation and visual relief be provided. The SE 122nd Avenue Rezone Project supports this policy because of the proposal to modify the zoning of almost 2 acres at Leach Botanical Garden to Open Space to ensure that future master planning projects can address community desires for uses at the garden.
21. **Policy 2.12, Transit Corridors**, calls for providing a mixture of activities along major transit routes that supports the use of transit and is compatible with the surrounding area. The SE 122nd Avenue Rezone Project supports this policy because it promotes development that includes a variety of commercial and residential uses that are transit-supportive along frequent service bus routes #17 and #72.
22. **Policy 2.20, Utilization of Vacant Land**, calls for providing for full utilization of existing vacant land except in those areas designated as Open Space. The SE 122nd Avenue Rezone Project supports this policy because it provides land use and zoning designations that may encourage development of existing vacant land and redevelopment of underutilized properties.
23. **Policy 2.23, Buffering**, calls for mitigating the impacts from nonresidential uses on residential areas through the use of buffering and access limitations, in particular when residentially zoned lands are changed to commercial, employment, or industrial zones. In conducting its review of properties to rezone from residential to commercial staff sought to minimize impacts on adjoining residential uses and neighborhoods. The Neighborhood Commercial designations proposed are themselves low density developments whose impact will likely be reduced by development standards. The majority of properties identified for rezoning front on SE 122nd Avenue or Powell Boulevard, classified as Major City Traffic Streets in the Comprehensive Plan. Where a new commercial zone abuts a residential property, City of Portland development standards will require setbacks, landscape screening and other buffering regulations to mitigate impacts between commercial and residential uses.

24. **Policy 2.27 Outer Southeast Community Plan** calls for promoting the economic vitality, diverse residential character, environmental quality, and livability of Outer Southeast Portland by including the Outer Southeast Community Plan as part of this Comprehensive Plan. The SE 122nd Avenue Rezone Project is located within the Outer Southeast Community Plan Area. Pertinent sections of the Outer Southeast Community Plan include:

- Economic Development Policy which calls for improving the vitality of outer southeast business districts and employment centers; and,
- Urban Design Policy which seeks to foster a sense of place and identity for the outer southeast community plan area by reinforcing existing character-giving elements and encouraging the emergence of new envisioned character,

as well as the applicable geographically targeted Subarea Policy VII of the Mixed Era Neighborhood which seeks to provide for the orderly development of new housing at urban densities and ensure that residential areas are served by convenient neighborhood commercial centers and transit.

The proposed rezonings support these policies by facilitating the redevelopment of vacant and or underutilized parcels along Powell Boulevard and SE 122nd Avenue as mixed use, neighborhood serving commercial sites.

25. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The SE 122nd Avenue Rezone Project supports this goal by focusing areas of change along street fronting properties where there is little commercial development. It maintains the overall residential character of the neighborhood as a whole, while increasing its stability by providing opportunities to improve accessibility to locally serving goods and services. Existing businesses along the 122nd Avenue corridor stand to benefit from an increased ability to renovate, expand, or build anew.
26. **Policy 3.3, Neighborhood Diversity**, calls for promoting neighborhood diversity and security by encouraging diversity in age, income, race and ethnic background within the city's neighborhoods. The SE 122nd Avenue Rezone Project is consistent with this policy because it allows for a variety of residential housing types and commercial uses that provide for a broader array of opportunities for the neighborhood. It also promotes the development of neighborhood serving commercial uses in one of the City's most diverse neighborhoods.
27. **Policy 3.5, Neighborhood Involvement**, provides for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood. The SE 122nd Avenue Rezone Project supports this policy because the Project Advisory Group included representatives from the local neighborhood association, business association, and the community at large. Also see findings for Statewide Planning Goal 1.
28. **Policy 3.6, Neighborhood Plan**, calls for maintaining and enforcing neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by Council.

The Powellhurst-Gilbert Neighborhood plan was adopted by City Council on January 31, 1996. See findings for Powellhurst Gilbert Neighborhood Plan below

29. **Policy 3.9, Outer Southeast Community Plan Neighborhoods and Business Plans,** Objective J. calls for using adopted neighborhood plans to guide decisions on land use, transportation and capital expenditures, and community development programs, where applicable. The Powellhurst-Gilbert Neighborhood plan was adopted by City Council on January 31, 1996. See findings for Powellhurst Gilbert Neighborhood Plan below
30. **Goal 4, Housing,** calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The proposed rezonings are consistent with this goal because they will facilitate mixed use development and the introduction of neighborhood serving commercial uses in an otherwise underserved area of the city. See also the findings for Statewide Planning Goal, Goal 10, Housing and for Metro Title 1.
31. **Policy 4.1, Housing Availability,** calls for ensuring that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future. The SE 122nd Avenue Rezone Project supports this policy because the proposed commercial zones allow residential development with no density maximums, thereby allowing market demand to dictate the amount of housing that is developed in the area. Within the study area, approximately 25 percent of the existing commercial zones are in housing or mixed uses.
32. **Policy 4.2, Maintain Housing Potential,** calls for retaining housing potential by requiring no net loss of land reserved for, or committed to, residential or mixed-use. The SE 122nd Avenue Rezone Project supports this policy because the proposed commercial zones allow residential development with no density maximums, therefore current residential densities could be achieved in the commercial zones. Approximately 25 percent of the existing commercially-zoned properties between SE Powell and SE Foster are in residential use (with 39 dwelling units and 2 assisted living facilities); the CM mixed use zone, which is being applied requires residential development in conjunction with any commercial development. In addition, the density goal of the Outer SE Community Plan of 14,000 units by the year 2015 was achieved in June 2012 and there is still additional capacity for density (approximately 3,000 units within the study area and 20,000 units within the Outer SE Community Plan area). Also see findings for State Planning Goal 10 and Metro Title 1.
33. **Policy 4.7, Balanced Communities,** calls for striving for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures, and income levels of the region. The SE 122nd Avenue Rezone Project supports this policy because it provides the potential for multi-dwelling units, rowhouses, mixed-use, and live/work residential development.
34. **Goal 5, Economic Development,** calls for promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in

all parts of the city. The SE 122nd Avenue Rezone Project is consistent with this goal because it enacts Comprehensive Plan map and zoning changes that will encourage a variety of commercial and employment opportunities designed to stimulate the area's economy. Currently, less than six percent of land within the study area is zoned for commercial use, while ten percent is more common in other mixed use/commercial centers in Portland. The addition of storefront commercial (CS), Neighborhood Commercial (CN1 and CN2), and Mixed Commercial (CM) designations strengthens existing businesses and attracts new businesses to support a local economy.

35. **Policy 5.1, Urban Development and Revitalization**, calls for encouraging investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities. The SE 122nd Avenue Rezone Project is consistent with this policy because the conversion of parcels to Neighborhood Commercial, Mixed Use Commercial, and Storefront Commercial will allow broader opportunities for development and/or redevelopment. Several existing legally non-conforming commercial uses are also brought into compliance through this rezoning project thus enabling them to expand and/or rehabilitate deteriorating building stock.
36. **Policy 5.2, Business Development**, calls for sustaining and supporting business development activities to retain, expand, and recruit businesses. The SE 122nd Avenue Rezone Project supports this policy by bringing non-conforming uses into compliance and removing the funding and regulatory barriers to business expansion associated with non-conformance. The proposal also includes Comprehensive Map and Zoning Map amendments to encourage new businesses to locate in newly proposed CN, CM, and CS zones that will expand commercial uses in the area.
37. **Policy 5.3, Community Based Economic Development**, calls for supporting community-based economic development initiatives consistent with the Comprehensive Plan and compatible with neighborhood livability and assisting broadly-based community coalitions to implement development objectives and programs of adopted community or neighborhood plans. Coalition interests include, at a minimum, City-recognized neighborhood and business associations, as well as businesses, residents, educators, service providers, and other groups and individuals. The SE 122nd Avenue Rezone Project advances this policy by responding to and supporting the recommendations of the SE 122nd Avenue Pilot Project Recommendations 2D – “consider changes to zoning to support the desired retail environment, including the potential for grocery store at south end of study area” (2011) and the general provisions of the East Portland Action Plan Economic Development actions.
38. **Policy 5.4, Transportation System**, calls for promoting a multi-modal regional transportation system that stimulates and supports long term economic development and business investment. The SE 122nd Avenue Rezone Project achieves this policy by proposing land use designations that do not require the use of off-street parking. Mixed-use Commercial and Storefront Commercial is proposed, in part, because development standards require building bulk and site design that encourages bicycling and walking. By increasing commercial zoning along SE 122nd Avenue, improved transit service becomes more feasible.

39. **Policy 5.7, Objective E**, calls for concentrating the expansion of commercial and mixed use activities near the intersections of major city traffic or transit streets. The Project supports this policy by increasing the amount of commercial and mixed use zoning near the intersections of SE 122nd with Powell and Foster (all Major City Traffic streets and transit streets) and SE 122nd with Harold and Holgate (the latter two are transit streets).
40. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The SE 122nd Avenue Rezone Project is consistent with this goal because zoning amendments using Neighborhood Commercial, Mixed-use Commercial, and Storefront Commercial zoning encourage land use patterns that are compatible with a transportation system that supports a strong and diverse economy, reduces pollution, and offers greater mode choice by lessening reliance on the automobile. The rezoning will increase opportunities for commercial, employment and residential uses that can be accessed by walking, bicycling, transit, and other non single occupancy vehicle modes.
41. **Policy 6.1 Coordination**, calls for carrying out a public involvement process that provides information about transportation issues, projects, and processes to citizens, businesses and other stakeholders, especially those traditionally underserved. The transportation analysis for this action was coordinated closely with the Bureau of Transportation and ODOT. There are no transportation improvements associated with this project. See also Statewide Planning Goal 1 and Comprehensive Plan Policy 3.5 above.
42. **Policy 6.6, Transit Access Street Objective C**, states that Transit Access Streets are intended for district oriented transit service serving main streets, neighborhoods, and commercial, industrial and employment areas. SE 122nd Avenue and SE Holgate are classified as Transit Access Streets, and the proposal supports this objective because it increases the amount of Storefront Commercial and Mixed Commercial zoning that promote transit oriented uses along or at intersections of the transit access streets listed above.
43. **Policy 6.6, Community Transit Street Objective D**, states that Community Transit Streets are intended to serve neighborhoods and industrial areas and connect to citywide transit service. SE Harold is classified as a Community Transit Street, and the proposal supports this objective because it increases the Neighborhood Commercial and Mixed Use Commercial zones that allow transit oriented uses along or at intersections of the community transit street listed above.
44. **Policy 6.11, Regional Corridors Objective E**, states that Regional Corridors are designed to include special amenities to balance motor vehicle traffic with public transportation, bicycle travel, and pedestrian travel, and commercial and multi-dwelling land uses should be oriented to the street where the street has a transit designation. The 122nd Avenue Rezone proposal supports this objective by applying the Mixed Use and Storefront Commercial designations along SE 122nd, the regional corridor, which will require buildings closer to the street and front door orientation to the street.

45. **Policy 6.16 Objective A Access Management**, states: Work with ODOT to manage the location, spacing, and type of road and street intersections on Regional Trafficways, St. Helens Road, Lombard east of Interstate 5, and McLoughlin, and develop access management plans for other City streets as needed to ensure the safe and efficient operation of these facilities. The SE 122nd Avenue Rezone project is consistent with this Objective because only the comprehensive plan map designation for properties at this intersection will be changed. The base zoning is not being changed at this time. The City and ODOT have worked together to ensure that the safety aspects of Powell Boulevard at the SE 122nd Avenue intersection will be addressed when the property owners apply for a Zone Change in conformance with the Comprehensive Plan map. Also see Resolution _____.
46. **Policy 6.18, Adequacy of Transportation Facilities** calls for ensuring that amendments to the Comprehensive Plan (including map amendments) zone changes, etc. that change allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for affected transportation facilities. The City's Bureau of Transportation has conducted an analysis of the impact that the proposed zoning changes will have on the transportation system. This report, the "Southeast Avenue Rezoning Project Transportation Analysis" dated May 2012 (revised 6/1/2012) is attached as Appendix E to the SE 122nd Avenue Project report. Using accepted traffic engineering methodology this analysis identified the geographic extent of the traffic impacts that will occur because of the rezoning and determined that the increased traffic falls below the threshold that determines "significant impact" on state and local facilities." Specifically all intersections and particularly the intersection at SE Powell Blvd. and SE 122nd Avenue are projected to fall below the 0.99 volume/capacity metric required by the Oregon Department of Transportation to determine compliance with Goal 12. The conclusion of this analysis is that the proposed rezonings will "have no significant impact on the local street network or important ODOT facilities."

The SE 122nd Avenue Rezone Project includes the intersection of SE 122nd Avenue and Powell Boulevard (US 26) a facility under the jurisdiction of ODOT. This intersection is a top 5% Safety Priority Index System (SPIS) location indicating that there are large number of crashes involving vehicles turning into and out of driveways on Powell Boulevard. In recognition of this safety concern the SE 122nd Avenue Rezone Project is amending the Comprehensive Plan Map for eight properties relying on Powell Boulevard for vehicular access but not changing their zoning classification. As part of the adoption of the SE 122nd Avenue Rezone Project Portland Bureau of Transportation staff are directed to work with ODOT staff to develop a list of specific transportation improvements that will improve the safety of this intersection and develop a funding mechanism shared between the City ODOT and property owners/developers. These improvement projects will be incorporated into the City's Transportation System Plan.

Overall, the 122nd Avenue. Rezoning Project promotes a balanced multi-modal transportation system that is consistent with the city's Transportation System Plan and land use vision for 122nd Avenue. from Powell Blvd. to Foster Rd. This Project is supported by the existing transportation facilities for vehicular circulation, transit, bicycles and enhancements to the pedestrian environment. Also see finding for Statewide Planning Goal 12.

47. **Policy 6.21, Right-of-Way Opportunities.** Preserve existing right-of-ways unless there is no existing or future need for them, established street patterns will not be significantly interrupted and the functional purposes of nearby streets will be maintained.

The rezoning action is in conformance with the East Portland Action Plan and is focused on developing mixed use pedestrian and bicycle friendly nodes at major intersections along 122nd south of Holgate Blvd. The rezoning is also looking at ways to increase connectivity in these important nodes. It will have no impact on existing rights-of-ways. It may actually create additional right-of-way as street plans are implemented at the nodes with new development.

48. **Goal 7, Energy,** calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000. The SE 122nd Avenue Rezone Project is consistent with this goal because it promotes a transit-oriented development pattern. This development pattern is likely to reduce the need for single-occupant vehicle trips and encourages transit use, bicycling and walking. Further, many of the new structures in these areas may be multi-story and/or multi-dwelling, which may reduce energy expended on heating and cooling when compared to a comparable level of development in low-rise and/or detached structures.
49. **Policy 7.4, Energy Efficiency Through Land Use Regulations,** calls for promoting residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources. SE 122nd Avenue Rezone Project supports this policy because the proposed land use pattern makes efficient use of land resources and concentrates development into an area well served by existing and planned transit services and infrastructure in several ways: (1) it focuses and reinforces commercial activities along a designated regional corridor through use of several commercial zones; (2) it allows for and fosters mixed-use development; and (3) it provides opportunity for common wall construction of row houses and multi-dwelling units in all of the commercial zones.
50. **Goal 8, Environment,** calls for maintaining and improving the quality of Portland's air, water, and land resources, as well as protecting neighborhoods and business centers from noise pollution. The SE 122nd Avenue Rezone Project is consistent with this goal because it will facilitate efficient use of land resources, through intensifying development opportunity in an area that is currently urbanized and served by public facilities including high-quality transit service. Also see findings for Goal 7, Energy and related policies.
51. **Goal 9, Citizen Involvement,** calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure, and supports this Goal. See the findings for Statewide Planning Goal 1, Citizen Involvement.
52. **Policy 9.1, Citizen Involvement Coordination,** calls for encouraging citizen involvement in land use planning projects through coordination with community organizations, availability of planning reports and notice of public hearings. The proposal supports this policy because it was developed with feedback and input from multiple preceding projects

such as the SE 122nd Avenue Pilot Project (2011) and the East Portland Action Plan (2009), that resulted in specific recommendations, including to add more commercial zoning to the southern end of SE 122nd Avenue, . In addition, representatives of the Powellhurst-Gilbert neighborhood association, the Midway Business association, and local residents were involved with the earlier projects and supported the recommendations. Other community organizations were informed of the process and given project updates; participation from these groups and individuals was also solicited. See the findings for Statewide Planning Goal 1.

53. **Policy 9.3, Comprehensive Plan Amendment**, calls for allowing for the review and amendment of the adopted *Comprehensive Plan* which ensures citizen involvement opportunities for the city's residents, businesses, and organizations. The proposal supports this policy because a public process review with proposed amendments to the Comprehensive Plan Map was conducted with input and feedback from local neighborhood and business associations, local residents, and other groups and individuals. See findings for Statewide Planning Goal 1.
54. **Goal 10, Plan Review and Administration**, states that Portland's Comprehensive Plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan. The SE 122nd Avenue Rezone Project is consistent with this goal based on Exhibit A (project report) and the findings in this exhibit, as described in more detail in the findings for Policies 10.6-10.8.
55. **Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures**, requires that all proposed amendments to implementing ordinances be reviewed by the Planning and Sustainability Commission prior to action by the City Council. The SE 122nd Avenue Rezone Project supports this policy because the Planning and Sustainability Commission reviewed the proposed Comprehensive Plan Map and Zoning Map amendments, took public testimony, and finalized its recommendations to City Council at a public hearing on June 26, 2012. The Planning and Sustainability Commission's recommendations were forwarded to City Council for a public hearing on September 19, 2012.
56. **Policy 10.7, Amendments to the Comprehensive Plan Map**, requires that amendments be supportive of the overall *Comprehensive Plan* and Map, be consistent with the Statewide Planning Goals, and be consistent with any adopted applicable area plans. When the amendment is from a residential or urban commercial to another nonresidential designation, the policy requires that there be no net loss of housing units. The SE 122nd Avenue Rezone Project is consistent with this policy because the project area is within the Outer SE Community Plan area (1996) and the housing goals of that plan have been achieved. In addition, the commercial zone allows residential development; approximately 25 percent of existing commercial zones in the study area are developed with residential units; and the mixed use zone (CM) proposed for approximately 6 acres requires residential development in conjunction with commercial development

57. **Policy 10.8, Zone Changes**, states that base zone changes within a Comprehensive Plan Map designation must be to the corresponding zone stated in that designation. When a designation has more than one corresponding zone, the most appropriate zone will be applied based on the purpose of the zone and the zoning and general land uses of surrounding lands. Zone changes must be granted when it is found that public services are capable of supporting the uses allowed by the zone. The SE 122nd Avenue Rezone Project supports this policy because both the Comprehensive Plan Map and the Zone Map are changing, except for eight identified parcels that rely on vehicular access to Powell Blvd. These parcels will remain as zoned, but the Comprehensive Plan Map is changing to a Neighborhood Commercial designation. In these cases the property owner may request a zone change through a quasi-judicial land use review process and will be required to demonstrate that transportation services are adequate to serve proposed development at that time. All Comprehensive Plan Map and Zone changes occur in areas where there are existing urban level services and infrastructure or where subsequent development proposals will improve existing facilities.
58. **Goal 11 A, Public Facilities, General**, calls for provision of a timely, orderly, and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The SE 122nd Avenue Rezone Project is consistent with this goal because the zone changes will occur in an area that is supported by established sewer, police, fire, parks, water, and regulatory code. SE 122nd Avenue between Powell and Foster is also served by storm water management. Also see finding for Policy 6.18.
59. **Goal 11B. Public Rights-of-Way**, calls for improving the quality of Portland's transportation system by carrying out projects to implement the 2040 Growth Concept, preserving public rights-of-way, implementing street plans, continuing high quality maintenance and improvement programs, and allocating limited resources to identified needs of neighborhoods, commerce and industry. This project will have no impact on the right-of-way but will create a more pedestrian, bicycle oriented neighborhood consistent with the 2040 Growth Concept. It will meet neighborhood and business needs by allowing for more mixed use development and a wider range of services within the community.
60. **Policy 11.42 of Goal 11F, Parks and Recreation**, states: Maintain master development plans for city parks that address user group needs, development priorities, development and maintenance costs, program opportunities, financing strategies, and citizen involvement. The SE 122nd Avenue Rezone project is consistent with this policy by including a change of zone from single-family residential to open space within and around a current park boundary. The zone change adds a small measure of simplicity to the master planning process by making the zone consistent throughout the park, and assists the park in addressing the needs and desires of the community. Also see findings for Policy 2.6, Open Space, under the Comprehensive Plan findings.
61. **Goal 12, Urban Design**, seeks to enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The SE 122nd Avenue Rezone Project is consistent with this goal. Rezoning of this

neighborhood commercial center will prompt reuse, renovation, and redevelopment activities that will create higher quality, more pedestrian active, neighborhood-serving uses than what exists with non conforming commercial buildings/uses in a residential zone.

62. **Policy 12.6, Preserve Neighborhoods**, calls for preserving and supporting the qualities of individual neighborhoods that help to make them attractive places. The SE 122nd Avenue Rezone Project proposes no changes to the residential area beyond properties along the SE 122nd Avenue street frontage, preserving the stability of established residential areas while providing for opportunity for economic development.

Powellhurst-Gilbert Neighborhood Plan

The Powellhurst-Gilbert Neighborhood Plan was adopted by the City Council on January 1, 1996. The policies and objectives of this plan were adopted as part of Portland's Comprehensive Plan by ordinance 169763. The proposed SE 122nd Avenue Rezone Project is supportive of the following Neighborhood Plan Policies:

63. **Policy 1 Transportation** seeks to ensure that the neighborhood is accessible by a variety of transportation modes including walking, bicycling, public transport, auto and truck traffic while reducing noise pollution and safety hazards. The SE 122nd Avenue Rezone Project is supportive of this policy by providing additional opportunity for neighborhood commercial activity on public transit lines, within walking and bicycling distance to an otherwise underserved neighborhood
64. **Policy 6 Economic Development** seeks to improve, support and create businesses that enhance the neighborhood and provide needed goods and services. The SE 122nd Avenue Rezone Project supports this policy by providing additional property with the correct neighborhood commercial zoning to support such neighborhood serving business and employment opportunities within the Powellhurst Gilbert neighborhood.