



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY COUNCIL ON A
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE MAP AMENDMENT**

CASE FILE: LU 13-131300 CP ZC
WHEN: August 8, 2013 at 2:00 PM
WHERE: CITY COUNCIL CHAMBERS
1221 SW FOURTH AVENUE

Date: July 8, 2013
To: Interested Person
From: Sheila Frugoli, Sr. Planner, Land Use Services, (503) 823-7817

A public hearing will be held to consider the Land Use Hearings Officer's recommendation on an application for a Comprehensive Plan Map and Zoning Map Amendment. On June 20, 2013, the Hearings Officer issued a recommendation of approval of the requested Comprehensive Plan Map and Zone Map Amendments. Because this case includes a Comprehensive Plan Map Amendment, the City Council must make the final decision.

Copies of the existing and proposed zoning maps and site plan (existing development) are attached. I am the staff person handling this case - please contact me with any questions regarding this proposal, the Council hearing, or how to testify in this matter. **For a general explanation of the City Council hearing process, please refer to the last page of this notice.**

Applicant: Richard Larson / Paradise 39 Grape, LLC
6010 NE Flanders St, Unit B-1 / Portland, OR 97213

Site Address: 750 N FREMONT ST

Legal Description: BLOCK 4 LOT 5-7 TL 3800, RIVERVIEW SUB
Tax Account No.: R710800990
State ID No.: 1N1E27BA 03800
Quarter Section: 2729
Neighborhood: Boise, contact Caroline Dao at 503-544-5515.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Plan District: Albina Community
Zoning: IG1, General Industrial 1
Case Type: CP ZC, Comprehensive Plan Map and Zoning Map Amendment
Procedure: Type III, with two hearings. The first public hearing is before the Hearings Officer. A recommendation of the Hearings Officer will be presented in a second public hearing to City Council. Council will make the final decision.

Proposal: The applicant is requesting a Comprehensive Plan Map and concurrent Zoning Map Amendment Review to change the current Plan Map designation and zoning on the site from the Industrial Sanctuary designation and General Industrial 1 zone to the EX, Central Employment designation and zone. The d, Design overlay zone is always applied with the EX zone.

The applicant is requesting the map change so that, in the immediate future, the existing development may provide tenant space for non-industrial uses. The Central Employment zone allows a variety of uses including Retail Sales and Service, Office and Residential. Industrial and employment uses, that do not include exterior display, storage or work activities, are also allowed.

The applicant has not submitted a redevelopment proposal with this application. The EX zone would allow a new building to be as tall as 65 feet. The maximum floor area ratio of 3 to 1 applies to this site. Therefore, this 11,774 square foot site, if redeveloped, could contain up to 35,322 square feet of commercial and/or employment floor area. There is no maximum residential density applied; however, the maximum floor area ratio of 3 to 1 applies to residential use, as well. New development, exterior alterations and additions would be subject to the Design overlay zone requirements.

Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- **33.810.050 Comprehensive Plan Map Amendment**
- **33.855.050 Zoning Map Amendments**

DECISION MAKING PROCESS

Review of the Case File: The Land Use Hearings Officer's recommendation and all evidence on this case are available for review (by appointment) at the Bureau of Development Services, 1900 SW Fourth Avenue, 4th Floor, Portland OR 97201. Please contact the receptionist at 503-823-7300 to schedule a time to review the file. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City bureaus as well as a digital copy of the Portland Zoning Code, by visiting the City's home page on the Internet at www.ci.portland.or.us

We are seeking your comments on the proposal. The hearing will be held before the City Council. To comment, you may write, or testify at the hearing. In your comments, you should address the approval criteria, which are identified above. Please refer to the case file number when seeking information or submitting testimony. Written comments **must be received by the end of the public testimony of the hearing**, and should include the case file number and name and address of the submitter. It must be given to the Council Clerk in person, or mailed to 1221 SW Fourth Avenue, Room 140, Portland, OR 97204.

APPEAL PROCESS

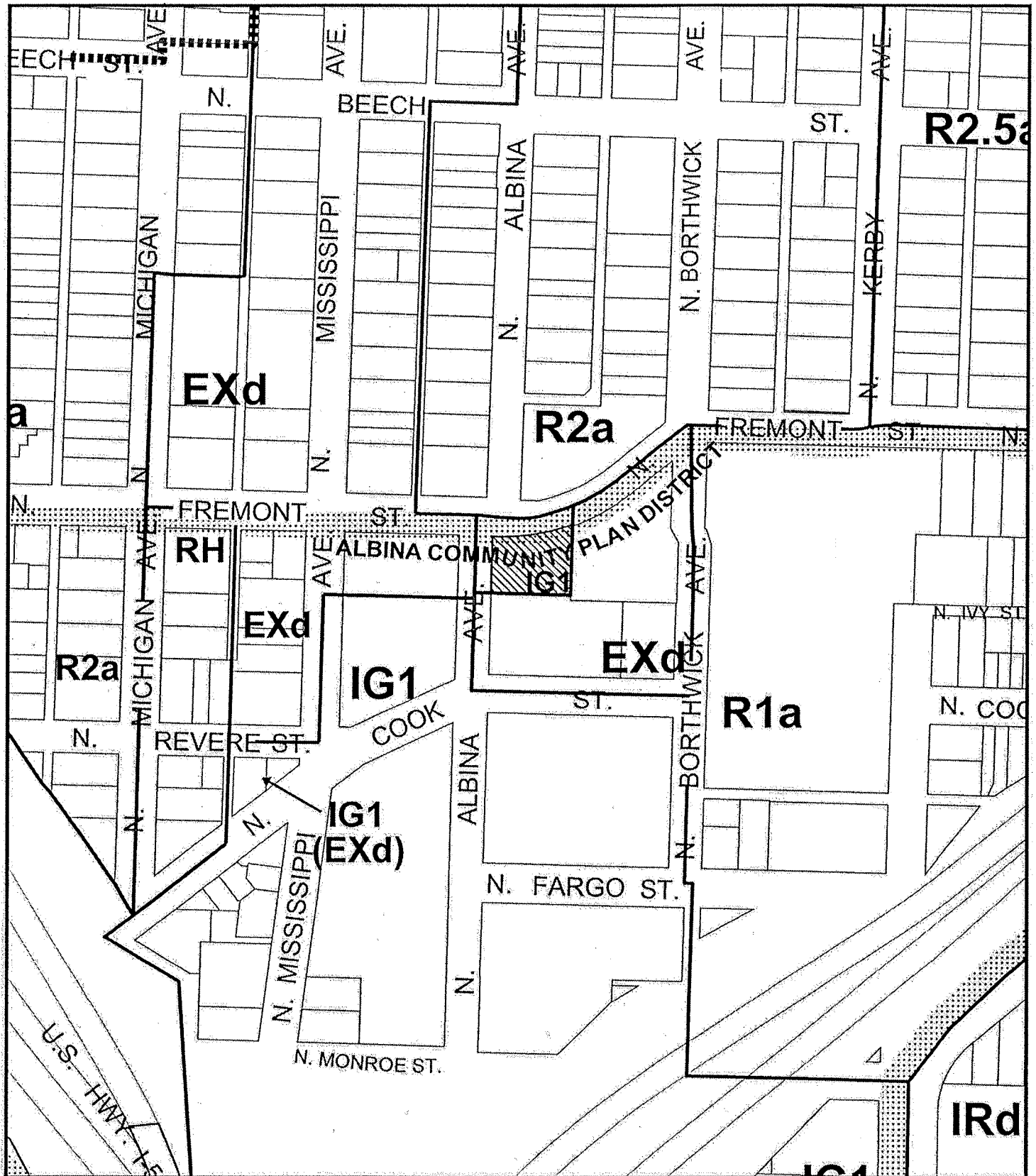
The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol Street NE, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary hearing before the City Council on this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the review body, they may not be able to respond to the issue you are trying to raise. In such a situation an appeal to LUBA based on that issue may not be allowed.

Public transportation to City Hall is available. Call TriMet at (503) 238-7433 (or www.trimet.org/routes_times.htm) for routes and times. Hourly rated public parking is available underneath the Portland Building immediately north of City Hall. Other public parking garages are in the immediate vicinity.

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations please call 503-823-4085 (TDD: 503-823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

Attachments:

1. Existing Zone Map
2. Proposed Zone Map
3. Site Plan (Existing Development)
4. City Council Hearing Process



ZONING EXISTING



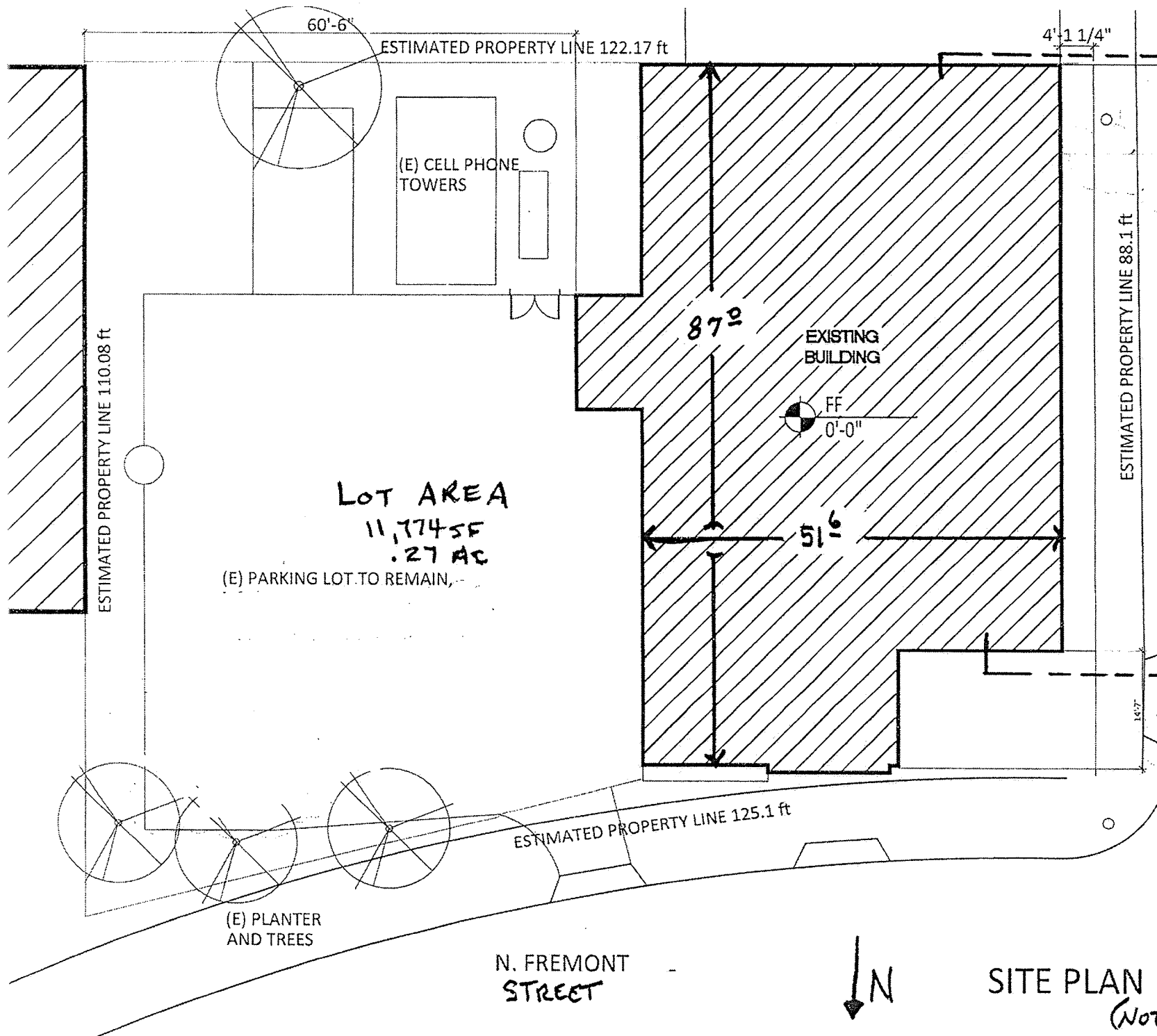
Site



NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No. LU 13-131300 CP,ZC
 1/4 Section 2729
 Scale 1 inch = 200 feet
 State Id 1N1E27BA 3800
 Exhibit B1 (Mar 27, 2013)



(E) SEWER
CONV
N. ALBINA AVENUE
W13 131300CPZC
(E) WATER
CONV

SITE PLAN
(NOT TO SCALE)

GENERAL EXPLANATION OF THE CITY COUNCIL PROCESS FOR EVIDENTIARY/DE NOVO HEARINGS

1. SUBMISSION OF TESTIMONY

- a. Testimony may be submitted in writing to the Council Clerk, 1221 SW Fourth Avenue, Room 140, Portland, OR 97204. Written comments must be received by the time of the hearing and should include the case file number.
- b. Testimony may be submitted orally (see below).

2. HEARINGS PROCESS

- a. The order of appearance and time allotments are generally as follows:

Staff Report	10 minutes
Applicant	10 minutes
Supporters of Applicant	3 minutes each
Principal Opponent	15 minutes
Opponents	3 minutes each
Applicant Rebuttal	5 minutes
Council Discussion	

- b. The applicant and proponents have the burden of proof to show that each and every element of the approval criteria can be satisfied. If the applicant is opposing the Hearings Officer's recommendation, the applicant may also argue the criteria are being incorrectly interpreted, the wrong approval criteria are being applied or additional approval criteria should be applied.
- c. In order to prevail, the opponents of the application must persuade the City Council to find that the applicant has not carried the burden of proof to show that the evidence submitted in support of the application demonstrates that each and every element of the approval criteria is satisfied. The opponents may wish to argue the criteria are being incorrectly applied, the wrong criteria are being applied or additional approval criteria should be applied.
- d. The failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes an appeal to the Land Use Board of Appeals (LUBA) on that issue.

3. OTHER INFORMATION

- a. Prior to the hearing, the case file and the Hearings Officer decision are available for review, by appointment, at the Bureau of Development Services, 1900 SW 4th Avenue, Portland, OR 97201. Call 503-823-7300 to make an appoint to review the file.

If you have a disability and need accommodations, please call 823-4085 (TDD: 823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



RECOMMENDATION OF THE HEARINGS OFFICER

File No.: LU 13-131300 CP ZC (HO 4130013)

Applicant: Richard Larson
Paradise 39 Grape, LLC
6010 NE Flanders Street, Unit B-1
Portland, OR 97213

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Sheila Frugoli

Site Address: 750 N Fremont Street

Legal Description: BLOCK 4 LOT 5-7 TL 3800, RIVERVIEW SUB

Tax Account No.: R710800990

State ID No.: 1N1E27BA 03800

Quarter Section: 2729

Neighborhood: Boise

Business District: North-Northeast Business Association

District Neighborhood Coalition: Northeast Coalition of Neighborhoods

Plan District: Albina Community

Zoning: IG1, General Industrial 1

Land Use Review: Type III, CP ZC, Comprehensive Plan Map and Zoning Map Amendment

BDS Staff Recommendation to Hearings Officer: Approval

Public Hearing: The hearing was opened at 9:00 a.m. on June 19, 2013, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 9:33 a.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions at the end of the hearing.

Testified at the Hearing:

Sheila Frugoli
Richard Larson

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The applicant is requesting the map change so that, in the immediate future, the existing development may provide tenant space for non-industrial uses. The Central Employment zone allows a variety of uses including Retail Sales and Service, Office and Residential. Industrial and employment uses, that do not include exterior display, storage or work activities, are also allowed.

The applicant has not submitted a redevelopment proposal with this application. The EX zone would allow a new building to be as tall as 65 feet. The maximum floor area ratio of 3 to 1 applies to this site. Therefore, this 11,774 square foot site, if redeveloped, could contain up to 35,322 square feet of commercial and/or employment floor area. There is no maximum residential density applied; however, the maximum floor area ratio of 3 to 1 applies to residential use, as well. New development, exterior alterations and additions would be subject to the Design overlay zone requirements.

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- | | |
|--|---------------------------------------|
| ▪ 33.810.050 Comprehensive Plan Map
Amendment | ▪ 33.855.050 Zoning Map
Amendments |
|--|---------------------------------------|

Hearings Officer Recommendation: It is the recommendation of the Hearings Officer to adopt and incorporate into this recommendation the facts, findings, and conclusions of the Bureau of Development Services in their Staff report and Recommendation to the Hearings Officer dated June 7, 2013, and to issue the following recommendation:

Approval of a Comprehensive Plan Map Amendment from Industrial Sanctuary to Central Employment; and

Approval of a Zoning Map Amendment from General Industrial 1 (IG 1) to Central Employment, with a Design overlay zone; (EXd)

for property legally described as Block 4, Lot 5-7, TL 3800, Riverview Sub., in the City of Portland, County of Multnomah and State of Oregon.

Basis for the Recommendation: BDS Staff Report in LU 13-131300 CP ZC, Exhibits A.1 through H.3, and the hearing testimony from those listed above.



Gregory J. Frank, Hearings Officer

6/20/13

Date

Application Determined Complete: April 16, 2013
Report to Hearings Officer: June 7, 2013
Recommendation Mailed: June 21, 2013

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

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

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions contact the Bureau of Development Services representative listed in this Recommendation (503-823-7700).

The decision of City Council, and any conditions of approval associated with it, is final. The decision may be appealed to the Oregon Land Use Board of Appeals (LUBA), as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that:

- an appellant before LUBA must have presented testimony (orally or in writing) as part of the local hearings process before the Hearings Officer and/or City Council; and
- a notice of intent to appeal be filed with LUBA within 21 days after City Council's decision becomes final.

Please contact LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the final decision. If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland, OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard #158, Portland, OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of approval. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Application Submittal
 - 1. Written Response to Approval Criteria
 - 2. Stormwater Infiltration Test, Prepared by Rapid Soil Solutions
 - 3. Traffic Impact Study, Prepared by Lancaster Engineering
 - 4. Analysis of Parking on N. Fremont, Technical Memo from Brian Davis, Lancaster Engineering to Fabio de Freitas, PBOT
- B. Zoning Map
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Site Plan
- D. Notification information
 - 1. Request for Response
 - 2. Posting Letter Sent to Applicant
 - 3. Notice to be Posted
 - 4. Applicant's Statement Certifying Posting
 - 5. Mailing List
 - 6. Mailed Notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Life Safety Plan Review Section of Bureau of Development Services
 - 7. TRACS Print-Out – "No Concern" Response from Site Development Review Section of Bureau of Development Services and Bureau of Parks, Forestry Division
 - 8. Oregon Department of Transportation, E-Mail Response from Mariah Danielson
- F. Letters
 - 1. Stephen Gomez, Boise Neighborhood Land Use, Transportation Co-Chair, May 29, 2013, Supports the Proposal
- G. Other
 - 1. Original LUR Application
 - 2. Pre-Application Conference Summary Report
 - 3. Incomplete Application Letter to Applicant
 - 4. LCDRC Notice of Proposed Amendment, Mailed May 8, 2013
- H. Received in the Hearings Office
 - 1. Notice of Public Hearing - Frugoli, Sheila
 - 2. Staff Report - Frugoli, Sheila (**attached**)
 - 3. Record Closing Information - Hearings Office



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

Charlie Hales, Mayor
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

STAFF REPORT AND RECOMMENDATION TO THE HEARINGS OFFICER

CASE FILE: LU 13-131300 CP ZC
PC # 12-185119

REVIEW BY: Hearings Officer

WHEN: June 19, 2013 at 9:00 AM

WHERE: 1900 SW Fourth Ave., Suite 3000
Portland, OR 97201

BUREAU OF DEVELOPMENT SERVICES STAFF: SHEILA FRUGOLI / SHEILA.FRUGOLI@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Richard Larson / Paradise 39 Grape, LLC
6010 NE Flanders St, Unit B-1 / Portland, OR 97213

Site Address: 750 N FREMONT ST

Legal Description: BLOCK 4 LOT 5-7 TL 3800, RIVERVIEW SUB
Tax Account No.: R710800990
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1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

CITY OF PORTLAND
HEARINGS OFFICE
Exhibit #H-2
Case # 4130013
Bureau Case # 13-131300 CP ZC

The applicant has not submitted a redevelopment proposal with this application. The EX zone would allow a new building to be as tall as 65 feet. The maximum floor area ratio of 3 to 1 applies to this site. Therefore, this 11,774 square foot site, if redeveloped, could contain up to 35,322 square feet of commercial and/or employment floor area. There is no maximum residential density applied; however, the maximum floor area ratio of 3 to 1 applies to residential use, as well. New development, exterior alterations and additions would be subject to the Design overlay zone requirements.

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- | | |
|--|---------------------------------------|
| ▪ 33.810.050 Comprehensive Plan
Map Amendment | ▪ 33.855.050 Zoning Map
Amendments |
|--|---------------------------------------|

ANALYSIS

Site and Vicinity: The applicant's site is an 11,774 square-foot lot that is located on the south side of N. Fremont Street, at the southeast corner of N. Albina Avenue and Fremont. The property is developed with a one-story, 4,100 square foot building. The original and largest portion of the building is industrial in character, constructed of steel and is metal-sided. New large windows and glass doors have been added. A modern, two-story addition flanks the west side of the building. The building covers approximately half the site. The remainder of the site is paved, with approximately 6 on-site parking spaces. Also, there are two tall cellular (radio frequency) monopole towers, both have numerous antennas and associated equipment at the base of each tower. The monopole facilities are located at the south edge of the site.

North and West: On the west side of N. Albina are two large lots. The northernmost lot contains a storage building and large paved area and the southern lot contains a large concrete warehouse-like building. Both lots have exterior storage and/or parking adjacent to the buildings. Both properties appear to be currently vacant. The northern lot is zoned EXd while the other is IG1 zoned. Immediately north, on the other side of N. Fremont, there is a multi-unit garden-apartment complex that is located between N. Albina and N. Borthwick. Abutting the apartment complex and further north, are single-dwelling residences. The area is primarily developed with single detached homes, but is zoned R2, a low-density multi-dwelling residential zone. The N. Mississippi area includes numerous small-scale retail uses, housed in a mix of new and historic buildings, single-dwelling homes and new multi-story apartment buildings. Between approximately N. Albina and N. Failing, properties fronting N. Mississippi are zoned EXd. North of N. Failing, the N. Mississippi properties are commercially zoned and are within the Mississippi Conservation (Historic) District.

South and East: The remaining lots on the block of the subject site, both the southern and eastern abutting lots, were rezoned from IG1 to EXd (LU 04-067051 CP ZC) through a Comprehensive Plan Map Amendment and Zone Map Amendment Review. The southeastern portion of the abutting site contains a building with retail shops and a large industrial bakery—Grand Central Bakery that supplies goods to both wholesale and retail markets. One of the retail shops offers baked goods from the industrial bakery. The building has an outdoor seating area and on-site parking between the building and N. Fremont. The remaining southern lots sit at a lower elevation than the lots that front N. Fremont. Currently the lots are being used as storage for construction materials. Farther to the south, south of N. Cook St. are industrial properties, when combined, total 5 acres in area. The properties are used, for the most part, for the storage of equipment and materials and are part of the City of Portland Maintenance Bureau facilities, known as the Albina Yard. This industrial area is separated by the I-5 and I-405 freeways from the larger concentration of industrial lands, known as the Lower Albina industrial area.

Current Zoning: The site is zoned IG1, General Industrial 1. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each industrial zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas. The IG1 zoned areas generally have smaller lots and a grid block pattern. These areas are mostly developed, with sites having higher proportions of building coverage and buildings that are usually close to the street. The IG1 areas tend to be the City's older industrial areas.

Retail Sales and Service and Office uses are allowed in the IG1 zone, as long as there is no more than one use in these categories for each site, and the floor area devoted to the use does not exceed 3,000 square feet. Sites with more than one retail or office use or sites with larger amounts of floor area, up to 25,000 square feet, may be approved as Conditional Uses. Generally, in this zone, Retail Sales and Service or Office Uses that exceed 25,000 square feet of floor area or have a greater floor area ratio than 1:1 are prohibited, unless they are located in historic landmarks. Household Living (Residential) is a prohibited use in the IG1 zone, unless the use is located in a houseboat or houseboat moorage and is approved through a Conditional Use Review.

The subject site is also within the boundaries of the Albina Community Plan District. This plan district implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial development does not overwhelm nearby residential areas. There is one provision in the Plan District (PCC 33.505.210) that applies to EX-zoned uses. To protect economic viability and residential livability, this provision requires industrial uses that cause off-site impacts to meet the Off-Site Impacts (PCC 33.262) standards.

Proposed Zoning: The proposed zoning for the site is EXd, Central Employment with a Design overlay. This designation implements the Central Employment map designation of the Comprehensive Plan. The zone allows a mix of uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses, as well as residential, which need a central location.

The proposed Design Overlay Zone, shown on the official zoning maps with the letter "d" map symbol, is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. Requirements for design review or compliance with the Community Design Standards ensure that certain types of infill development will be compatible with the neighborhood and will enhance the area. The Design Overlay zone is applied automatically when zoning is changed to EX.

Land Use History: City records indicate that prior land use reviews include the following:

- **125-61 CU:** In 1961, the Planning Commission approved a "retail fuel outlet" as a Conditional Use.
- **PC 5417:** In 1968, the Portland City Council approved a zone change from M3, Light Manufacturing to M2, General Manufacturing, for the subject site and the other lots on Block 4 and lots 1-4 on Block 1 of the Riverview Subdivision.
- **LU 10-135181 AD:** An Adjustment was approved, with conditions, to modify the required setback and landscaping requirement for an equipment lease area that serves one of the monopole cell facilities located on the site. The Adjustment was requested to address nonconforming development. The request was made because a cellular facility was seeking a building permit to replace antennas on one of the existing monopoles. The monopoles were allowed outright in the IG1 zone when constructed in the 1990s.

Agency Review: A "Request for Response" was mailed on April 19, 2013. The following Bureaus have responded with no issues or concerns:

- Bureau of Parks-Forestry Division (Exhibit E.7)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.7)
- Life Safety Plan Review Section of BDS (Exhibit E.6)

The **Bureau of Environmental Services (BES)** responded with comments that address the Zoning Map Amendment adequacy of services approval criteria (Exhibit E.1). The BES response is summarized as findings under relevant criteria below.

The **Portland Bureau of Transportation (PBOT)** submitted an extensive response with findings that respond to both the Comprehensive Plan transportation policies and the Zoning Map Amendment adequacy of services criteria (Exhibit E.2). The PBOT response is inserted under the relevant criteria.

The **Oregon Department of Transportation (ODOT)** submitted a response. It is inserted under relevant criteria. (Exhibit E.8)

The **Police Bureau** and **Water Bureau** response is identified under the Zoning Map Amendment adequacy of services approval criteria. (Exhibits E.5 and E.3)

Neighborhood Review: A Request for Response was mailed to the affected neighborhood associations on **April 19, 2013** and the Notice of a Public Hearing was mailed again to the neighborhood associations and all property owners within 400 feet of the site on May 24, 2013. The following response was received:

Richard Gomez, from the Boise Neighborhood Association Land Use and Transportation Committee sent a letter stating that at the committee reviewed the proposal at its May 28 meeting. The committee supports the zone change. (Exhibit F.1)

ZONING CODE APPROVAL CRITERIA

This report contains the following parts, each of which examine compliance with applicable criteria:

- **Part A Comprehensive Plan Map Amendment**
- **Part B Zoning Map Amendment**

PART A. COMPREHENSIVE PLAN MAP AMENDMENT

33.810.050 Approval Criteria

- A. Quasi-Judicial.** Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that 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;

Findings: This proposal involves a request for a Comprehensive Plan Map Amendment, from Industrial Sanctuary to Central Employment. The following analysis evaluates the request against all of the Comprehensive Plan goals, policies and objectives that are relevant to this site. Based on this analysis, it is found that, on balance, the requested Central Employment designation for the site is equally supportive of the Comprehensive Plan as the existing designation:

Goal 1 Metropolitan Coordination

The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.

Findings: The *Urban Growth Management Functional Plan* was approved November 21, 1996 by the Metro Council and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. Local jurisdictions must address the Functional Plan when Comprehensive Plan Map Amendments are proposed through the quasi-judicial or legislative processes. The *Urban Growth Management Functional Plan* is Section 3.07 of the Metro Code. The relevant titles in that section are summarized and addressed below.

Overall, as stated below, the request to re-designate from Industrial Sanctuary to Central Employment will have little or no effect on the intent of these relevant titles or these titles will be met through compliance with other applicable City regulations. The project is consistent with Metro's regional planning framework, and therefore the requested Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 1, Metropolitan Coordination, of the City's Comprehensive Plan.

Urban Growth Management Functional Plan***Title 1 - Requirements for Housing and Employment Accommodation***

This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

Findings: The requested Comprehensive Plan Map amendment will ensure that the subject property contributes to increasing development capacity within the Urban Growth Boundary. The proposed Central Employment designation and its corresponding Zoning Map designation, EX, allows a myriad of uses including industrial and residential use. Unlike the Industrial Sanctuary designation, the Central Employment designation allows, without restrictions, the development of retail sales and service, office, and other commercial uses, all of which provide employment opportunities. The maximum allowed commercial and residential development in the EX zone is based on the allowed Floor Area Ratio (FAR) of 3 to 1, which could allow up to 35,322 square feet of floor area on this site.

The requested change will not create housing or employment capacity conflicts. The utilization of an existing, non-residential building for commercial uses will likely create additional employment opportunities for North Portland residents. In the future, if the site were redeveloped, a new building could be as large as approximately 35,000 square feet and would likely provide additional employment opportunities. This proposal complies with the intent of Title 1.

Title 3 - Water Quality and Flood Management

The goal of the Stream and Floodplain Protection Plan (Title 3) is to protect the region's health and public safety by reducing flood and landslide hazards, controlling soil erosion and reducing pollution of the region's waterways.

Findings: Compliance with this title will be achieved through the implementation of the Stormwater Management Manual and other development regulations in the future, at time of Building Permit review. The Bureau of Environmental Services (BES) has analyzed the applicant's stormwater report that was submitted as part of the application. BES finds the site is appropriate for on-site stormwater disposal (Exhibit E.1). Hence, the stormwater

management regulations can be met. Therefore, the proposal complies with the intent of this Title.

Title 4 - Industrial and Other Employment Areas

This Title limits type and density of uses in areas on the 2040 Growth Concept Map designated as Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas.

Findings: The subject site is designated as "Industrial" on the Title 4 map, but is not located in an area that is designated as a "Regionally Significant Industrial Area" (RSIA). These RSIA locations are defined by Metro to be, "industrial areas that offer the best opportunities for family-wage industrial jobs." A "family-wage job" is defined by Metro as a permanent job with an annual income greater than or equal to the average annual wage for this type of employment in the region.

According to the directive of Title 4, even regulations for industrial lands that are not located in RSIA's must limit the amounts of allowed retail and office uses, in order to preserve an adequate supply of industrial lands for each jurisdiction. Overtime, however, some industrially designated lands no longer have the essential characteristics to match the current needs of industrial uses. Specifically, the change of designation is appropriate because: (1) the subject property is a 11,774 square foot island of designated "Industrial Area", (2) the proposed change to the Central Employment designation allows employment uses that will not reduce the employment capacity of the City; (3) the site is not designated as "Regionally Significant"; (4) the area is not a designated Freight District. The area lacks good connections to the Regional Freight routes, and (5) the new designation/zoning will not create conflicts with Metro designated Regional Centers, Town Centers or the Central City. Therefore, the proposal to remove this property from the Industrial Sanctuary land supply will have no significant effect on the goals outlined in this Title. The proposed Central Employment designation will still allow small scale manufacturing and light industrial uses which could offer "family wage jobs". Therefore, the proposal does not conflict with this Title.

Title 8 - Compliance Procedures

This title outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.

Findings: This proposal meets this Title by fulfilling the notice requirements for Type III land use reviews, as outlined in PCC 33.730.030 (Type III Procedure). In addition to notifying the affected City-recognized organizations and property-owners within a 400 foot radius of the site, a notice of the proposal has also been sent to Metro and to the Department of Land Conservation and Development. Therefore, the proposal is consistent with this Title.

Title 12- Protection of Residential Neighborhoods

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Findings: The proposal is subject to review and evaluation against existing and future demand on public services, and whether there are adequate levels of same to support the proposed re-designation and zoning pattern. To the extent that the proposal meets the criteria found at 33.855.050 B, as discussed below, the proposal is consistent with the intent of this title.

The requested designation will have no greater impact on air and water pollution than the existing designation on the subject site and could potentially have less impact. Crime is not expected to increase and may decrease with more active use of the site on a 24-hour basis by the uses allowed under the Central Employment designation. It is not expected

that the uses or development allowed by the corresponding zone of the proposed Central Employment designation will generate noise levels that are any greater than those generated by uses and development allowed by the existing Industrial Sanctuary designation. The Title includes requirements that ensure that commercial services are conveniently located for residential areas and that there are schools and parks or open spaces to serve the local residential community. The Central Employment designation will allow the introduction of additional residences, as well as commercial services at the edge of an area that is an established residential community.

Title 13- Nature in Neighborhoods

The purposes of this program are to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and to control and prevent water pollution for the protection of the public health and safety and to maintain and improve water quality throughout the region.

Findings: The site is not located in an environmental or greenway overlay zone, nor is it within a floodplain. Water quality requirements, via the City's Stormwater Management Manual requirements will be satisfied, as noted above. The proposal complies with the intent of this Title.

Goal 2, Urban Development.

Maintain Portland's role as the major regional employment, population, and cultural center through public policies that encourage expanded opportunity for, housing and jobs, while retaining the character of established residential neighborhoods and business centers.

Findings: The proposed change will result in opportunities for the expansion of housing; because the EX zone allows housing outright, with no limitations. Additionally, the EX zone allows, outright, uses that include retail sales and service and office along with the industrial uses allowed under the current industrial sanctuary designation. In this location there is an abrupt shift in the character of the area. North of Fremont, the area is residential, except along Mississippi Avenue, which is a built-up, mixed-use commercial area. East of Borthwick, there is a local elementary school, surrounded on three sides by an established residential area. The industrial pocket that exists between Mississippi and Borthwick, south of Fremont to the I-405 freeway primarily serves the City of Portland infrastructure maintenance needs. The City-owned property is constrained by surrounding uses and the transportation system is not connected to truck routes and designated freight districts.

The other lots on the block of the subject site were changed via a Comprehensive Plan Map and Zoning Map Amendment Review in 2005 (LU 04-067051 CP ZC). Immediately west, the property at 810 N Fremont was changed through the same land use review process in 2008 (LU 06-118204 CP ZC). The proposal to change the designation to Central Employment will provide an opportunity for the entire block to buffer the City-owned industrial site from the surrounding residential area. The proposed designation/zoning will create a transition from large exterior storage and work areas to possible mixed-use projects that then transitions to lower density residential development. This opportunity to buffer the separate uses and provide a transition area can encourage both jobs and housing growth, while maintaining the character of this area. For these reasons, the proposed Central Employment designation is equally supportive of this goal as the retention of the existing Industrial Sanctuary designation.

Policy 2.1, Population Growth

Allow for population growth within the existing city boundary by providing land use opportunities that will accommodate the projected increase in city households by the year 2,000.

Findings: The proposal is more supportive of this policy than the existing zoning because the EX zone allows housing outright, whereas the IG1 zone prohibits household living uses on this site.

Policy 2.2, Urban Diversity

Promote a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population.

Findings: The EX zone allows housing outright, along with retail, office and light industrial uses. This creates an environment that allows live-work spaces and high density residential development, as well as a location that can advance small business interests through entrepreneurship and the opportunity to provide commercial services to a localized market. The IG1 zone prohibits household living on this site and limits the size of commercial and office uses. Thus, while both the EX and IG1 zones make some provisions for diversity, the EX zone encourages more diversity in living environments and allows a wider range of employment opportunities. The proposal better supports this policy.

Policy 2.9 Residential Neighborhoods

Allow for a range of housing types to accommodate increased population growth while improving and protecting the City's residential neighborhoods.

Findings: The proposal will provide opportunities for housing by mapping a designation on the site that corresponds with adjacent sites and the numerous properties that are located along N Mississippi Avenue. The Central Employment designation will allow housing types that link the Boise residential area, north of Fremont, to the commercial and industrial uses that also exist in the area in a way that the current designation cannot. Because the d, Design overlay zone is always applied with the EX zone, future development on the site will be subject to design review requirements. Future projects will include architectural design elements that will enhance the area and respond to the vitality of the Mississippi/Fremont area. Therefore, on balance, this policy is better supported by the proposed Central Employment designation.

Policy 2.12 Transit Corridors

Provide a mixture of activities along Major Transit Priority Streets, Transit Access Streets, and Main Streets to support the use of transit. Encourage development of commercial uses and allow labor-intensive industrial activities which are compatible with the surrounding area. Increase residential densities on residentially-zoned lands within one-quarter mile of existing and planned transit routes to transit-supportive levels. Require development along transit routes to relate to the transit line and pedestrians and to provide on-site pedestrian connections.

Findings: N. Fremont Street is classified in the Transportation Element of the Comprehensive Plan as a Transit Access Street. The #4 Division/Fessenden bus line, a frequent service line, runs on this street. Furthermore, sites on the north side of Fremont between the I-5 Interstate, N. Kerby and N. Prescott are located within the designated Boise Pedestrian District.

The proposed Central Employment designation is more supportive of this policy than the existing designation because it allows a mix of uses that are more pedestrian and transit-oriented than the uses that are allowed outright by the existing Industrial Sanctuary designation. The development standards for the EX zone require ground floor windows, which contribute a positive element of interest and interaction for pedestrians and transit users. Standards for pedestrian connections also apply in the EX zone, and buildings have

a maximum setback of 10 feet from the Transit Street. None of these standards apply to the IG1 zone designation. The intended uses of the Central Employment designation, as well as the applicable development standards make this designation more supportive of this policy than the existing designation.

Policy 2.14, Industrial Sanctuaries

Provide industrial sanctuaries. Encourage the growth of industrial activities in the city by preserving industrial land primarily for manufacturing purposes.

Findings: The proposal to change the Comprehensive Plan Map designation would remove the subject site from the existing industrial sanctuary. In, and of itself, this means that the proposed designation is not as supportive of this policy as the existing designation. The removal of industrial sanctuary designation, even when replaced by the proposed Central Employment designation that also allows industrial activities, does not provide the same level of preservation. While the EX zone does allow most industrial activities, it also allows residential uses and most commercial and institutional uses, which can conflict with major industrial use areas.

However, as noted above, this site has limitations that will diminish its potential for industrial activities. The site is relatively small, located at the edge of a vibrant mixed use area, and does not have good access to major arterials or shipping routes. Therefore, while the current Industrial Sanctuary designation implements this policy, there are factors that should be taken into consideration in determining whether the Industrial Sanctuary designation is still the most appropriate designation for this particular site.

Policy 2.15 Living Closer to Work

Locate greater residential densities near major employment centers, including Metro-designated regional and town centers, to reduce vehicle miles traveled per capita and maintain air quality. Locate affordable housing close to employment centers. Encourage home-based work where the nature of the work is not disruptive to the neighborhood.

Findings: The proposed Central Employment designation allows more opportunities for high density residential development and the opportunity for live-work uses. The limitations of the corresponding zones for the Industrial Sanctuary designation only provide opportunities for employment on a small scale for those who already live in the immediate area. Therefore, the proposed Central Employment designation is more supportive of this policy than the existing Industrial Sanctuary designation.

Policy 2.19 Infill and Redevelopment

Encourage infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. Encourage infill and redevelopment in the Central City, at transit stations, along Main Streets and as neighborhood infill in existing residential, commercial and industrial areas.

Findings: The proposed Central Employment designation allows implementation of the policy on infill and redevelopment by providing opportunities for increased population and jobs along a transit street that is adjacent to an existing and historic residential and commercial area. Unlike the existing designation, the proposal will allow and encourage redevelopment of the underutilized property with mixed-use, pedestrian-oriented development. The Central Employment designation will, therefore, be more supportive of this policy than the Industrial Sanctuary designation.

Policy 2.22 Mixed Use

Continue a mechanism that will allow for the continuation and enhancement of areas of mixed use character where such areas act as buffers and where opportunities exist for creation of nodes or centers of mixed commercial, light industrial and apartment development.

Findings: The proposed Central Employment designation is more supportive of this policy than the existing designation because it will allow and facilitate mixed-use opportunities. Manufacturing, warehouse, wholesale, industrial service and car repair uses are the only uses allowed outright, under the existing designation and General Industrial zone. This zone prohibits Household Living Uses on this site. The proposed EX zone is a broader and more inclusive zone, offering residential, retail sales and service and office uses. The subject site is an appropriate location to allow a mix of uses. A wider variety of uses will compliment the adjacent uses—abutting EX zoned properties, a nearby grade school and residential uses and a revitalized commercial area, to the north and west. Therefore, the applicant's proposal is, on balance, equally or more supportive of this policy.

Policy 2.26 Albina Community Plan

Promote the economic vitality, historic character and livability of inner north and inner northeast Portland by including the Albina Community Plan as a part of this Comprehensive Plan.

Findings: The site is located within the boundaries of the Albina Community Plan, which was adopted as part of the Comprehensive Plan on July 28, 1993 (Ordinance # 166786). The Boise Neighborhood Plan was developed as a part of the Albina Community Plan process and was also adopted as a part of the Comprehensive Plan in 1993 (Ordinance No. 166786). The policy analysis, below, under Policy 3.6 and 3.8, shows that the proposal is consistent with this policy and the other relevant policies of the Albina Community Plan and Boise Neighborhood Plan.

Goal 3, Neighborhoods.

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.

Findings: The Central Employment designation is supportive of Goal 3 because it will expand the uses allowed on the site, encouraging growth and redevelopment which will contribute to the stability of the neighborhood. The residential and commercial uses that would be allowed outright under the EX designation offer an opportunity for increased density to support the economic vitality of the historic Mississippi Avenue commercial district which will support the retention of businesses in the area. The opportunity for mixed-use development will preserve and reinforce the diversity of the neighborhood.

As explained below, the proposal is consistent with *Policy 3.5 Neighborhood Involvement*. The proposal supports all of the relevant policies and objectives of the adopted Albina Community Plan and Boise Neighborhood Plan and therefore is consistent with *Policy 3.6 Neighborhood Plan* and *Policy 3.8, Albina Community Plan Neighborhoods*.

Policy 3.5 Neighborhood Involvement

Provide for the involvement of neighborhood residents and businesses in decisions affecting their neighborhood.

Findings: Notice of the hearing on the proposed amendments has been sent by the City to the appropriate Neighborhood Associations and to property owners within 400 feet of the

site. The site is posted with information pertaining to the application and hearing schedule. This review process supports this Policy.

Policy 3.6 Neighborhood Plan

Maintain and enforce neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council.

Policy 3.8 Albina Community Plan Neighborhoods

Include as part of the Comprehensive Plan neighborhood plans developed as part of the Albina Community Plan. Neighborhood plans developed as part of the Albina Community Plan are those for Arbor Lodge, Boise, Concordia, Eliot, Humboldt, Irvington, Kenton, King, Piedmont, ~~Sabin~~ and Woodlawn.

Objective: B. *Make the Boise neighborhood a more enjoyable place to live by improving its housing, the physical appearance of the neighborhood and the safety of its streets and Unthank Park. Improve education and employment opportunities and the availability of goods and services in the Boise neighborhood. Use the Boise Neighborhood Plan to guide decisions on land use, capital improvement projects and community development activities within Boise.*

Findings: The site lies within the plan area of the Albina Community Plan and the Boise Neighborhood Plan, both were adopted by City Council in July 1993. Staff has identified no conflicts with the relevant Neighborhood Plan and Community Plan policies and objectives. Findings that respond to the relevant plan policies and objectives are identified below.

Albina Community Plan

Policy 1.A: General Land Use

Encourage residential, recreational, economic and institutional developments that reinforce Plan Area neighborhoods; increase the attractiveness of Albina to residents, institutions, businesses and visitors; and create a land use pattern that will reduce a dependence on the automobile.

Findings: Approving the proposed amendment supports this policy in several ways. Most important, it will foster and encourage occupancy and/or redevelopment of an underutilized site that is surrounded by property that is designated for mixed use. The proposed Comprehensive Plan Map designation, and corresponding zone, will allow for mixed-use development that provides both housing as well as commercial uses that bring goods and services to the area. Future alterations, additions or redevelopment will be subject to the requirements of the Design overlay zone, thus complementing to the attractiveness of the area. Additionally, the site is located along a frequent service transit line. A mixed of uses at a higher intensity will better utilize the transit service and thus reduce the dependence on the automobile.

Policy 1.B: Livable Neighborhoods

Protect and improve the livability of the residential neighborhoods within the Albina Community. Direct new development activity to those areas that have experienced or are experiencing a loss of housing. Ensure the compatibility of new development with nearby housing. Foster the development of complete neighborhoods that have service and retail businesses located within or conveniently near to them. Promote increases in residential density without creating economic pressure for the clearance of sound housing.

Findings: The proposed designation will support and help to implement this policy. As identified above, the proposed designation allows residential uses with an FAR of up to 3 to

1. A new residential building with up to 35,322 square feet in floor area would contribute numerous new dwelling units to a revitalized area that has experienced an increased demand for housing. Complying with the development regulations of the EX and Design overlay zones will ensure development on the site is compatible with nearby areas and provide a positive transition that provides a buffer between the industrial development to the south and to the single and multi-dwelling and commercial areas of the neighborhood to the north, west and east. Furthermore, unlike the existing designation on the site, the proposed designation will not restrict the development of commercial uses that will provide needed goods and services to the nearby community.

Policy 1.D Economic Development

Foster development of distinct, well-anchored commercial, institutional and industrial nodes and centers that serve the needs of the community, attract shoppers from throughout the region and take advantage of the close proximity of the district to the Central City, Oregon Convention Center and Columbia Corridor. Ensure that institutions have opportunities for growth that meet their needs. Support the expanding and new industrial firms that provide family wage jobs to Albina Community residents. Protect residential neighborhoods from negative impacts associated with commercial, institutional and/or industrial growth.

Objectives

1. *Reduce conflicts between residential uses and commercial, industrial and institutional activities.*
2. *Ensure that sites are available in adequate size, depth, location and zoning to attract market driven business, institutional and housing developers within the Albina Community.*
3. *Recognize and reinforce concentrations of commercial and employment businesses within the district and encourage the formation of clear identity for these areas.*
5. *Foster the establishment of new small businesses and housing developments, particularly on land that is vacant or underutilized.*

Findings: Overall, the proposed designation supports implementation of this policy and its relevant objectives. The change will remove an 11,774 square foot site from an area preserved for industrial use. However, its relatively small size and the designation/zoning on the abutting site as well as the surrounding development make this site not viable for most industrial uses. The proposal will facilitate the conversion of this underutilized site into a contributing part of this revitalized community. The site will have the opportunity to provide mixed-use development that will serve the surrounding neighborhood, support transit, and strengthen links to the Boise neighborhood and the nearby Central City. The uses and scale of development allowed under the proposed designation will provide an appropriate transition between the industrial area and the nearby residential areas of the neighborhood, while still allowing space for new employment uses to locate in the area. The Central Employment designation will also encourage safer and more compatible uses and development close to the existing neighborhood school that is located on the block to the east.

Policy 1.E: Transit Supportive Land Use

Focus new development on locations along transportation corridors that offer opportunities for transit supportive developments and foster the creation of good environments for pedestrians in these areas.

Objectives 5. Encourage the development of mixed-use projects in commercial areas that include both ground level business uses and upper story residential units.

Findings: The proposed designation is supportive of this policy because it will encourage transit-supportive, mixed-use development. The proposed designation allows both housing and commercial uses, outright. Under the existing designation, housing is prohibited for this site and commercial uses are far more restricted in size, which limits the ability to achieve transit-supportive development. The standards of the EX zone regulate the placement of buildings, main entrances, and parking, and require ground floor windows and pedestrian connections that promote development that is transit and pedestrian oriented.

Policy 2 Transportation

Take full advantage of the Albina Community's location by improving its connections to the region. Emphasize light rail transit as the major transportation investment while improving access to freeways to serve industrial and employment centers. Protect neighborhood livability and the viability of commercial areas when making transportation improvements. Provide safe and attractive routes for bicyclists and pedestrians.

Objectives:

- 4. Protect residential areas from impacts of through-traffic and the traffic of commercial, employment and institutional districts.*
- 7. Concentrate new residential developments and commercial investment near transit corridors.*
- 6. Establish truck routes and districts at locations that protect residential neighborhoods from truck through-traffic noise.*

Findings: Approval of the proposal will support this transportation policy. The proposed Central Employment designation will allow residential development and commercial investment along N. Fremont, thereby promoting transportation options for new residents, employees and customers. The existing Industrial Sanctuary designation limits these uses and preserves the site for industrial uses when there are no established truck routes in the immediately adjacent area. While the lack of truck routes supports the policy and objectives by protecting the residential neighborhood from truck through-traffic noise, it makes the site less attractive for industrial purposes, due to the lack of designated truck and freight movement routes.

Policy 3.B Business Growth and Development

Recruit, retain, and encourage expansion of economic activities and institutions which enhance neighborhood livability. Conserve community assets and resources. Use public programs and resources to encourage more efficient design and utilization in the Albina Community's commercial, institutional and industrial centers.

Objectives:

- 6. Encourage rehabilitation and reuse of older non-residential building stock within Albina commercial, institutional and employment centers and nodes to provide affordable business locations, induce private capital investment and attract business growth.*
- 7. Encourage new construction on vacant infill and underutilized lots within Albina commercial, institutional, and employment centers and nodes to create more attractive and viable markets for area businesses and service providers.*
- 8. Encourage multiuse and mixed-use development designed to create safe and attractive centers of activity, commerce and employment.*

Findings: The proposal supports this policy and its relevant objectives. Approval of the application will create opportunities for job creation on the subject site. Because of the small site and lack of efficient connections to the major freight movement corridors, the

employment potential for industrial uses at this location is limited. The current designation limits the ability to change to non-industrial commercial uses. Changing the designation to Central Employment, which promotes mixed-use development, will increase the potential for commercial growth on the site, thus providing increased employment opportunities.

Policy 5: Housing

Increase housing opportunities for current and future residents of the Albina Community by preserving and rehabilitating the existing housing stock, constructing appropriate infill housing in residential neighborhoods and building higher density housing near business centers and major transit routes. Stimulate new housing investment by emphasizing the Albina Community's central location, established public services, and quality housing stock.

Findings: The proposed designation is more supportive of this housing policy than the existing designation. The proposed designation will allow the construction of housing on an underutilized site, while the current designation prohibits residential development on this site.

Boise Neighborhood Plan

Policy 1: Public Safety

Reduce crime so that residents feel safe in their homes, on the neighborhood's streets and in its parks.

Objective 5: Ensure the safety of the more vulnerable members of the community-children and the elderly.

Findings: The proposed Central Employment designation will encourage redevelopment of the site to more active uses that will promote community surveillance, thereby reducing opportunities for crime and increasing safety on the adjacent streets. Hence the proposal supports this policy and relevant objective.

Policy 2: Housing

Provide good quality housing in Boise at affordable prices and rents through new construction and rehabilitation of existing housing. New construction and rehabilitation of existing housing should be in keeping with the character of the neighborhood.

- 1. Increase the supply of good quality housing in Boise available to both renters and home buyers.*
- 5. Allow development of alternative housing types in Boise.*

Findings: The Central Employment designation will allow an opportunity for the construction of new housing units that does not exist with the Industrial Sanctuary designation. The proposed designation will allow alternative forms of housing, such as live-work situations in mixed-use development. The existing designation does not permit housing to be located on this site. Therefore, this policy and the relevant objectives will be supported by the change of designation.

Policy 3: Neighborhood Maintenance and Image

Improve Boise Neighborhood's appearance and livability by maintaining residential, commercial and industrial properties. Encourage compatible infill development of vacant land by improving the image of the neighborhood and marketing development opportunities in Boise.

Objective 3: Encourage development of new residential and commercial uses on vacant land in Boise. Ensure that these are compatible in scale and design with the neighborhood.

Findings: This site is not vacant, but it is currently underutilized. As stated previously, the proposed Central Employment designation will allow uses that are currently either restricted or prohibited. The required Design Overlay designation that will accompany a Central Employment designation will require that redevelopment of the site is subject to Design Review, which will ensure that the proposed design is compatible with the neighborhood. Therefore, the proposal supports this policy and objective.

Policy 4: Urban Design/Historic Preservation/Land Use

Enhance the historic character and distinctive physical features of the Boise Neighborhood.

Objectives

Objective 5: Ensure that new commercial and light industrial buildings are compatible with other buildings in Boise's commercial districts.

Findings: As noted above, the proposed Central Employment designation/zone also applies a Design overlay designation to the site. Redevelopment of the site will be subject to Design Review to ensure that new buildings, additions and exterior alterations are compatible with the desired characteristics of the area.

Policy 7: Business Growth and Development/Employment

Encourage new businesses that will serve the neighborhood to locate in existing neighborhood business districts. Encourage these businesses and other local employers to hire neighborhood residents.

Findings: The subject site is immediately adjacent to the Mississippi Avenue commercial district. The proposed Central Employment designation will allow a mix of uses that will enhance and compliment the existing commercial area. The ability to create housing units on the site, under the EX zone, will increase the local customer base for the area and provide more opportunities for employees to locate nearby.

Summary: For this specific site, the proposed Central Employment designation is more supportive of the policies and objectives of the adopted Albina Community Plan and the Boise Neighborhood Plan than the existing Industrial Sanctuary Designation.

Goal 4 Housing

Enhance Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs and locations that accommodate the needs, preferences and financial capabilities of current and future households.

Findings: The EX zone allows housing outright, whereas the IG1 zone allows housing only for floating homes, such as houseboats, and then only when approved through a Conditional Use Review. Because this site does not contain a waterfront location that can accommodate a floating structure, Household Living Uses are prohibited. The proposed Central Employment designation, which only limits the development of housing according to the amount of floor area that is proposed for the site, is more supportive of this Goal than the existing designation.

Specifically, the proposal is consistent with *Policy 4.1 Housing Availability, Policy 4.2 Maintain Housing Potential, Policy 4.3 Sustainable Housing, Policy 4.7 Balanced Communities, Policy 4.10 Housing Diversity, Policy 4.11 Housing Affordability and Policy 4.14 Neighborhood Stability*. Because of the proposal's consistency with these policies, it is supportive of Goal 4 Housing, of the Comprehensive Plan. An analysis of the applicable policies follows, below.

Policy 4.3 Sustainable Housing

Encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.

Policy 4.7 Balanced Communities

Strive for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures (rental and ownership) and income levels of the region.

Policy 4.10 Housing Diversity

Promote creation of a range of housing types, prices, and rents to 1) create culturally and economically diverse neighborhoods; and 2) allow those whose housing needs change to find housing that meets their needs within their existing community.

Policy 4.11 Housing Affordability

Promote the development and preservation of quality housing that is affordable across the full spectrum of household incomes.

Findings: The proposal is consistent with these policies because the EX zone allows residential development. Maintaining an adequate supply of housing will help to address affordability for Portland residents.

Policy 4.14 Neighborhood Stability

Stabilize neighborhoods by promoting: 1) a variety of homeownership and rental housing options; 2) security of housing tenure; and 3) opportunities for community interaction.

Findings: The EX zone allows residential development. If redeveloped, the site may include either condominium (owner-occupied) or rental housing. The proposal, therefore, is more supportive of this policy.

Goal 5 Economic Development

Foster a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the City.

Findings: As detailed below, the proposal does not fully support all the relevant policies. However, on-balance, it is equally or more supportive of Goal 5 policies.

Policy 5.1 Urban Development and Revitalization

Encourage investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities.

Objectives:

- A. *Ensure that there are sufficient inventories of commercially and industrially-zoned, buildable land supplied with adequate levels of public and transportation services.*
- C. *Retain industrial sanctuary zones and maximum use of infrastructure and intermodal linkages with and within these areas.*

Findings: The proposed Central Employment designation would remove the subject site from the inventory of industrially-zoned land, shrinking the land area of the industrial sanctuary in inner-north Portland. The site, however, is missing key characteristics that make it a viable industrial site. The site is isolated from other abutting industrially zoned sites. Its small size and the lack of a direct to intermodal transportation routes for distribution and freight movement, lead to the conclusion that if it remains industrially-zoned, it will remain

underutilized. Therefore, the proposed designation is at least equally supportive of this policy and objectives.

Policy 5.2 Business Development

Sustain and support business development activities to retain, expand and recruit businesses.

Findings: The proposal supports this policy because the proposed Central Employment designation allows for mixed-use opportunities. It will support and create greater flexibility and opportunities for future business development, as well as new employment opportunities.

5.7 Business Environment within Designated Commercial Areas

Promote a business environment within designated commercial areas that is conducive to the formation, retention and expansion of commercial businesses.

Objective C. Sustain the role of designated commercial areas in providing shopping and employment opportunities for city residents.

Objective F: Encourage the retention and development of higher density housing and mixed use development within commercial areas.

Findings: If approved, the proposal will enable the applicant to better utilize an existing building or encourage redevelopment. The EX zone will provide opportunities for locally serving businesses and opportunities for housing development, achieving a mixed use project that serves the Boise neighborhood.

Policy 5.8, Diversity and Identity in Industrial Areas

Promote a variety of efficient, safe and attractive industrial sanctuary and mixed employment areas in Portland.

Objectives:

- D. Within industrial districts, allow some lands designated for commercial or mixed employment. Provide for this while maintaining the overall industrial orientation of the districts.*
- E. Create mixed employment areas which encourage a broad range of employment opportunities by permitting a mix of industrial and commercial activities. Prevent land use conflicts within the mixed employment areas through the use of development standards and by limiting conflicting types of development.*

Findings: The City's Comprehensive Plan has applied both industrial sanctuary and mixed employment designations in this area. Re-designating this site to Central Employment will not result in reduced efficiency and safety for the surrounding industrial area because there are already mixed employment sites abutting the industrially-zoned properties. Because of its location, the subject site is already tied just as much to the adjacent residential and commercial areas as it is to the industrial area. The proposed amendment to Central Employment will not have any appreciable effect on the low level of industrial activity in the area. The Central Employment designation is likely to promote uses that are more compatible with the adjacent public school and the residential area to north, offering a buffer that can protect both the industrial area and the residential and commercial areas. By providing this sort of a transition area, the Central Employment designation is equally supportive of this policy and these objectives as the current designation.

Goal 6 Transportation

Develop 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.

Findings: Comprehensive Plan Map Amendments must be reviewed against relevant Transportation Policies in the Comprehensive Plan. The Portland Bureau of Transportation completed an analysis of the proposal to change the designation from Industrial Sanctuary to Central Employment for this site and found that, on balance, the proposed designation is equally supportive of the relevant policies of Goal 6. The PBOT response is provided below:

Policy 6.1 Coordination: Coordinate with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services.

Policy 6.2 Public Involvement: Carry out a public involvement process that provides information about transportation issues, projects, and processes to citizens, businesses and other stakeholders, especially to those traditionally underserved by transportation services, and that solicits and considers feedback when making decisions about transportation.

Findings: Policies 6.1, 6.2 are met by the land use noticing requirements.

Policies 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, and 6.11 Classification Descriptions:

Policy 6.4 states that the Street classification descriptions and designations describe the types of motor vehicle, transit, bicycle, pedestrian, truck and emergency vehicle movement that should be emphasized on each street.

Policies 6.5 through 6.11 detail the intended character and use of streets for each transportation mode.

Findings: At this location, N Fremont is classified as a Transit Access street and a Local Service street for all other modes in the City's Transportation System Plan (TSP). The site is also located across the street from the Boise Pedestrian District.. N Albina is classified as a Local Service street for all transportation modes in the TSP.

The TSP states that, "Transit Access Streets are intended for district-oriented transit service serving main streets, neighborhoods, and commercial, industrial, and employment areas" and that "pedestrian and transit-oriented development should be encouraged in commercial, institutional, and *mixed-use* areas along Transit Access Streets. The proposed EX zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The TSP states that, "Local Service Traffic streets are intended to distribute local traffic and provide access to local residences or commercial uses. Local Service Transit streets should give preference to access for individual properties and to the specific needs of property owners and residents along the street. These streets may carry school buses. Local Service Bike streets should not have a side effect of creating, accommodating or encouraging automobile through-traffic. Local Service Walkways are usually located in residential, commercial or industrial areas on Local Service Traffic streets. Local Service

Design streets are multimodal, but are not intended for trucks (other than local deliveries) in residential areas. Their design includes many connections with other streets, sidewalk and on-street parking. The site's frontage is improved with curb and sidewalk which support pedestrian activity throughout the broader neighborhood. N Fremont and N Albina are consistent with the purposes and designs mentioned above.

The street grid system in the area surrounding this site provides a transportation system that serves all modes. The proposed Comprehensive Plan Amendment is consistent with the previously referenced street classifications for the abutting N Fremont and N Albina. These policies are equally supported by this proposal.

Policy 6.12 Regional and City Travel Patterns

Support the use of the street system consistent with its state, regional, and city classifications and its classification descriptions.

Findings: The site has nearby access to N Mississippi/N Skidmore, which leads to Interstate-5, a State of Oregon facility. The proposed Comprehensive Plan Amendment will not result in changes to interregional trips onto the City's local transportation system. The surrounding grid system that serves the immediate neighborhood will be capable of supporting site related trips expected to be generated in relation to the proposed land use action. This policy is equally supported.

Policy 6.13 Traffic Calming:

Manage traffic on Neighborhood Collectors and Local Service Traffic Streets, along main streets, and in centers consistent with their street classifications, classification descriptions, and desired land uses.

Findings: The site has nearby access to N Mississippi/N Skidmore, which leads to Interstate-5, a State of Oregon facility. The proposed Comprehensive Plan Amendment will not result in changes to interregional trips onto the City's local transportation system. The surrounding grid system that serves the immediate neighborhood will be capable of supporting site related trips expected to be generated in relation to the proposed land use action. The proposal equally supports this policy.

The proposed Plan Map and Zone Change from the existing Industrial Sanctuary designation and General Industrial 1 zone to the Central Employment designation and zone will not warrant traffic calming measures (such as speed bumps, curb extensions, etc) since as identified in the submitted Traffic Impact Study (TIS), the applicant's traffic consultant has determined that the proposed Comprehensive Plan Map and Zone Change will result in traffic continually being managed consistent with the land uses they serve and preserving and enhancing neighborhood livability. The proposal equally supports this policy.

Policy 6.16 Access Management: Promote an efficient and safe street system, and provide adequate accessibility to planned land uses.

Findings: Since no new development is currently proposed in relation to the requested Comprehensive Plan Map and Zone Change, an in depth access analysis is not provided. However, the site is situated in close proximity to Interstate-5, a State of Oregon facility. ODOT has its own access management criteria-permitting process, and in relation to the subject land use request. ODOT staff have responded by indicating that the trip generation expected to be realized by the requested Comprehensive Plan Map and Zone Change will not further impact the performance of the State's facility. No restrictions/limitations for access to/from the site have been identified by the State. This policy is met.

Policy 6.17 Coordinate Land Use and Transportation

Implement the Comprehensive Plan Map and the 2040 Growth Concept through long-range transportation and land use planning and the development of efficient and effective transportation projects and programs.

Findings: Policy 6.17 is met by the land use noticing requirements.

Policy 6.18 Adequacy of Transportation Facilities

Ensure that amendments to the Comprehensive Plan (including goal exceptions and map amendments), zone changes, conditional uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities.

Explanation: This policy reflects a requirement in the Transportation Planning Rule (OAR 660-012) to ensure that certain land use changes will not have an unacceptable impact on transportation facilities. Title 33, Planning and Zoning, contains approval criteria language that implements this policy.

Findings:Performance Standards

The most recent amendments to the State's Transportation Planning Rule (TPR) went into effect at the beginning of this year. Oregon Administrative Rule 660-012-0060(1) states that "if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule" Acceptable level-of-service for signalized intersections that are under City of Portland authority is LOS "D" or better. Acceptable level-of-service for unsignalized intersections that are under City of Portland authority is LOS "E" or better.

The applicant has submitted a professionally prepared Transportation Impact Study (TIS) in relation to the proposed Comprehensive Plan Map and Zone Change. The study was prepared to address transportation impacts associated with the proposed Comprehensive Plan Amendment and Zone Change. The TIS compares the reasonable worst-case scenario for the existing site zoning with the reasonable worst-case scenario for the proposed EX zoning. In summary (and to be discussed in greater detail under discussion of the Zone Map Amendment approval criteria) the results of the TIS indicate that the transportation system, will have adequate level-of-service to support the proposed Comprehensive Plan Map and Zone Change. This proposal equally supports this policy.

Policy 6.19 Transit Oriented Development

Reinforce the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers.

Findings: The stated objective of this policy includes to "consider the existing or planned availability of high-quality transit service when adopting more intensive residential, commercial, and employment designations" and to "require commercial and multifamily development to orient to and provide pedestrian and bicycle connections to transit streets and, for major developments, provides transit facilities on a site or adjacent to a transit stop." Tri-Met bus route #4 serves the site along N Fremont, with stops on both sides of the street, along the adjacent blocks to the west. The proposed Comprehensive Plan Map

and Zone Change will result in a potential development on the subject site to support the use of the above referenced frequent transit line. This policy is equally supported.

Policy 6.20 Connectivity: Support development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods, and other activity centers.

Findings: The site is located within an atypical lot-block pattern. Nonetheless, the existing street grid system, depending on orientation, meets or exceeds the pedestrian and street connection spacing goals. The prescribed goals are 330-ft maximum for pedestrian connection spacing and 530-ft maximum for street connection spacing. This policy is met.

Policy 6.22 Pedestrian Transportation

Plan and complete a pedestrian network that increases the opportunities for walking to shopping and services, schools and parks, employment and transit.

Policy 6.23 Bicycle Transportation

Make the bicycle an integral part of daily life in Portland, particularly for trips of less than five miles, by implementing a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.

Findings: According to City database sources, N Fremont is improved with a variable width of paving (curve in the road) and a 4.5-6-1.5 sidewalk configuration within a variable width right-of-way (r.o.w.). Said existing improvements satisfy current City standards. According to City database sources, N Albina is improved with 30-ft of paving and a 3-6-1 sidewalk configuration within a 50-ft wide r.o.w. For a site located in the IG (or EX) zone district along a Local Service (classification) street, the Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor (0.5-ft curb/4-ft wide furnishing zone/6-ft wide sidewalk/0.5-ft frontage zone).

There are existing sidewalk corridors along the subject site and beyond, throughout the immediate vicinity that facilitate pedestrian circulation. West of the subject site, there is a nearby identified "shared roadway" along N Mississippi to facilitate bicycle travel along the area. The proposed Comprehensive Plan Map and Zone Change will not negatively impact these facilities. The proposal, therefore, supports these policies.

Policy 6.25 On-Street Parking Management

Manage the parking supply to achieve transportation policy objectives for neighborhood and business district vitality, auto trip reduction, and improved air quality.

Policy 6.26 On-street Parking Management

Manage the supply, operations, and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential neighborhoods.

6.27 Off-Street Parking

Regulate off-street parking to promote good urban form and the vitality of commercial and employment areas.

Findings: Objectives of these goals include "the consideration of transportation capacity and parking demand for all motor vehicles in the regulation of the parking supply", "maintaining existing on-street parking in older neighborhoods and commercial areas where off-street parking is inadequate, except where parking removal is necessary to

accommodate alternatives to the automobile", and "considering eliminating requirements for off-street parking in areas of the City where there is existing or planned high-quality transit service and good pedestrian and bicycle access".

Potential parking generation under the current zoning has a fairly small range of possible values, given the potential allowed development types. The proposed zoning allows for significantly greater flexibility regarding how the subject site could be redeveloped to the extent that the existing on-street parking supply may or may not be sufficient to serve said future development. Given the broad range of development potential on the proposed rezoned site, depending on how the site redevelops, on-site parking, transportation demand management strategies or a combination of the two may be necessary to ensure availability of on-street parking.

Policy 6.30 Truck Mobility

Develop, manage, and maintain a safe, efficient, and reliable freight street network to serve Freight Districts, commercial areas, and neighborhoods.

Findings: This site is not located in a Freight District. Streets adjacent to the subject site are classified as Local Service Streets. Therefore, this policy is not relevant.

Goal 7 Energy

Promote a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000.

Findings: Goal 7 policies are directed toward the City, as a jurisdiction, to implement energy-related strategies. Therefore, Goal 7 policies are not applicable to this proposal.

Goal 8 Environment

Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.

Findings: The proposal will not adversely impact the City's air, water or land resources. If approved, future employment and/or commercial uses will be subject to the Zoning Code's off-site impacts regulations (Chapter 33.262) and must comply with the city's Title 18 noise regulations that protect residentially-zoned areas from detrimental noise levels.

Goal 9 Citizen Involvement

Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.

Policy 9.1 Citizen Involvement Coordination

Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations, through the reasonable availability of planning reports to city residents and businesses, and notice of official public hearings to neighborhood associations, business groups, affected individuals and the general public.

Policy 9.3 Comprehensive Plan Amendment

Allow for the review and amendment of the adopted Comprehensive Plan which insures citizen involvement opportunities for the city's residents, businesses and organizations.

Findings: The City and the applicant have complied with the mandated neighborhood notification requirements identified in the Portland Zoning Code. This includes posting the site with a description of the proposal at least 30 days prior to the hearing and a hearing notice mailed to nearby property-owners, and the affected neighborhood associations,

district coalition office, and business association. The notice is intended to elicit public input. And, there is the opportunity to participate in public hearings before the Hearings Officer and City Council. As such, this land use review supports Goal 9.

Goal 10 Plan Review and Administration

Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The Plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.

Findings: As indicated below in response to the applicable policies, the proposal will be either equally or more supportive of this goal as the existing designation.

Policy 10.7, Amendments to the Comprehensive Plan Map:

The Planning Commission must review and make recommendations to the City Council on all legislative amendments to the Comprehensive Plan Map. Quasi-judicial amendments to the Comprehensive Plan Map will be reviewed by the Hearings Officer prior to City Council action, using procedures stated in the zoning code. For quasi-judicial amendments, the burden of proof for the amendment 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,

Findings: The analysis and findings in this report demonstrate that the proposed Plan Map Amendment is, on balance, equally or more supportive of relevant goals, policies and objectives of the adopted Comprehensive Plan.

(2) Compatible with the land use pattern established by the Comprehensive Plan Map,

Findings: The existing Comprehensive Plan Map designation for this site was applied in 1980, through the adoption of the Comprehensive Plan. The designation matched the zoning that was in place at that time. No change was made to the designation for the site during the review of zoning in the area that occurred through the Albina Community Plan, which was adopted in August 1993.

The Central Employment designations and higher density residential designations that were placed on some of the surrounding properties at the time of the Albina Plan were intended to implement the policies of this Plan that seek to encourage residential, economic and institutional development; reduce dependence on automobiles; ensure new development is compatible with adjacent established neighborhoods; and encourage development at a transit-supportive density.

The diversity of designations currently mapped in this area reflects the primary goal of the *Albina Community Plan* to provide a balanced community of jobs, housing and retail uses. These designations, ranging from Medium and High Density Multi-Dwelling, to Attached Residential to Central Employment to Industrial Sanctuary, encourage a variety of uses and densities. The proposed Central Employment designation is consistent with this land use pattern by providing opportunities for mixed-use development at a density that is compatible with the adjacent residential neighborhood, buffers it from the industrial area and links it to the historic commercial area on N. Mississippi.

(3) Consistent with the Statewide Land Use Planning Goals, and

Findings: The State of Oregon 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 agricultural, forestry and coastal areas, etc., and therefore do not specifically apply to this site.

(4) Consistent with any adopted applicable area plans adopted as part of the Comprehensive Plan.

Findings: As previously discussed above in this report, the proposal is, on balance, equally or more supportive of the adopted Albina Community Plan and Boise Neighborhood Plan.

Policy 10.8 Zone Changes

Base zone changes within a Comprehensive Plan Map designation must be to the corresponding zone stated in the 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 presently capable of supporting the uses allowed by the zone, or can be made capable prior to issuing a certificate of occupancy. The adequacy of services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater disposal, transportation capabilities, and police and fire protection.

Findings: The Central Employment designation has only one corresponding zone, the Central Employment (EX) zone, which implements the designation. The applicant is requesting a Comprehensive Plan Map and concurrent Zoning Map Amendment Review to change the current designation and zoning on the site. This policy is addressed through this land use review, specifically in Part B of this report. To the extent that applicable approval criteria of 33.855.050.A-D contained in this report are met, these policies and objectives are also met.

Goal 11A Public Facilities

Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

Policy 11.2 Orderly Land Development

Urban development should occur only where urban public facilities and services exist or can be reasonably made available.

Policy 11.4 Capital Efficiency

Maximum use of existing public facilities and services should be supported through encouraging new development to occur at the maximum densities allowed by the Comprehensive Plan and through the development of vacant land within presently developed areas.

Findings: The proposal is consistent with Goal 11 and Policy 11.2 as explained below. Agency responses to this proposal indicate that either services exist or can be reasonably made available as discussed under approval criterion 33.855.050.B, below and in Exhibits E.1 through E.8.

GOAL 12: Urban Design

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.

Findings: The proposal is consistent with Goal 12 and its policies, which is intended to enhance Portland's identity as a livable city with attractive amenities. A detailed analysis of the applicable policies follows, below.

Policy 12.2 Enhancing Variety

Promote the development of areas of special identity and urban character. Portland is a city built from the aggregation of formerly independent settlements. The City's residential, commercial, and industrial areas should have attractive identities that enhance the urbanity of the City.

Objective C. Foster the development of an attractive urban character along Portland's commercial streets and in its commercial districts. Accommodating pedestrians as shoppers and visitors in commercial areas is a major priority of development projects. Commercial areas should allow the development of a mixture of uses, including residential uses. Add new building types to establish areas with care and respect for the context that past generations of builders have provided.

12.6 Preserve Neighborhoods

Preserve and support the qualities of individual neighborhoods that help to make them attractive places. Encourage neighborhoods to express their design values in neighborhood and community planning projects. Seek ways to respect and strengthen neighborhood values in new development projects that implement the Comprehensive Plan.

Objective B. Respect the fabric of established neighborhoods when undertaking infill development projects.

Findings: The existing 1950's industrial, metal-sided building, with recent additions and modern window treatments, blends well with the remaining industrial uses, the eclectic mix of commercial buildings on N. Mississippi and the residential development on the north side of N. Fremont. The d, Design overlay zone is applied with the EX zone. The EXd zoning was applied along N. Mississippi, between approximately N. Cook, which is south of the subject site to N. Failing, which is two blocks north of N. Fremont. The development standards of the Central Employment zone address urban design elements such as building height, minimum window area, location of entrances, and pedestrian circulation. These standards are intended to create desirable and livable areas that are aesthetically pleasing, and to ensure that development will be compatible with the envisioned character of the area and the City. The requirements of the Design overlay will ensure that redevelopment of the site is carefully scrutinized to assure compatibility with the surrounding area. In contrast, the development standards of the industrial zones emphasize function or form and do not implement urban design principles. The proposal better supports the relevant policies of Goal 12.

Summary: Based on these findings, the requested Comprehensive Plan Map amendment to Central Employment is, on balance, equally or more supportive of the applicable

Comprehensive Plan goals and policies as is the existing Industrial Sanctuary designation. This criterion is met.

2. When the requested amendment is:

- From a residential Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation; or
- From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;

the requested change will not result in a net loss of potential housing units.

Findings: This site is not located in area with a residential or an urban commercial Comprehensive Plan Map designation. Therefore, this criterion does not apply.

3. When the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation, in order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must also be met:

- a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;

Findings: The Central Employment designation/zone allow a myriad of uses including employment, commercial and housing uses. The subject site abuts other EX zoned lots and is directly across the street from an established residential area. The remaining large industrial site in the area is the 5-acre Albina Yard, a City of Portland maintenance facility. The subject site will continue to serve as a transition between the "heavy industrial character" of the Albina Yard and the mixed-use character of N. Fremont. The proposal meets this criterion.

- b. The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;
- c. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;
- d. The site does not have direct access to special industrial services such as multimodal freight movement facilities;

Findings: As explained under Goal 6 policies, the site is not located within a Freight District and does not have frontage on a designated Truck Route street. Further, this site is not located in close proximity to Metro's Major Roadway Routes and Roadway Connectors on the Regional Freight System Map. Vehicle trips generated by this requested map amendment will be distributed through a grid-style street system in such a way that there is an insignificant amount of trips that would be directed towards the remaining industrially zoned properties to the south. The submitted Transportation Impact Study

shows that the net increase in trips will not significantly impact the functionality of the existing transportation system. This criterion is met.

- e. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;

Findings: As explained above, the site abuts Central Employment designated/zoned properties. The properties to the north of the site have a residential designation. Wide public streets—N. Albina and N. Cook—separate the subject site from other industrially-designated sites. This approval criterion is met.

- f. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and

Findings: The proposed amendment will have no impact on the intended functions of either the Central City or any of the Regional or Town Centers of the City of Portland. The uses that would be allowed under the requested Central Employment designation are compatible with those of the adjacent retail and residential development that exists along the Mississippi Avenue corridor to the north of the applicant's property. These uses have district character that does not create negative financial impacts on the market areas of larger business centers. This criterion is met.

- g. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:
 - (1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;
 - (2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;
 - (3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;
 - (4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;
 - (5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

Findings: Metro has applied the "Industrial Area" designation to the subject site. Because the site is approximately one-quarter of an acre in size, the proposal satisfies criterion g.(2).

- 3. When the request is for a site within the Guild's Lake Industrial Sanctuary plan district and involves a change from the Industrial Sanctuary designation to any other designation, in order to prevent the displacement of industrial uses and preserve land primarily for industrial uses, the following criteria must also be met:

Findings: The subject site is not located within the Guild's Lake industrial area. Therefore, this criterion does not apply.

Summary: Based on the findings above, the proposal to amend the Comprehensive Plan Map designation for this site, from Industrial Sanctuary to Central Employment, meets all of the relevant approval criteria of 33.810.050 A.

PART B. ZONING MAP AMENDMENT

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

Findings: The proposed Comprehensive Plan Map designation is Central Employment. This designation does not have more than one corresponding zone. Therefore, this criterion does not apply.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

Findings: This site is not located within an R-zoned area or a Buffer overlay. Therefore, this approval criterion is not applicable.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

Findings: The subject parcel is currently zoned IG1, General Industrial 1 and the proposal is to change to the EX, Central Employment zone. Therefore this criterion is not applicable.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
 - a. Public services for water supply, 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.
 - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development

level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.

- c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

Findings: Services are adequate and will continue to be adequate, as explained below.

The ***Bureau of Environmental Services (BES)*** has no objection to approval of the Comprehensive Plan Map Amendment with concurrent Zone Map Amendment. The BES response includes the following information:

A. SANITARY SERVICE

1. *Existing Sanitary Infrastructure:*

- a. There is a 10-inch vitrified clay public combined gravity sewer located south of this property within an easement granted to the City of Portland (BES project # 2-0358). City plumbing records indicate this property discharges to this combined sewer main.
2. *Combined Sewer:* The combined sewer system currently surcharges under certain conditions. BES will allow sanitary connections, but stormwater discharges will be restricted. See the *Stormwater Management* section, below, for a discussion of the impact this may have on the development's stormwater management plan.

B. STORMWATER MANAGEMENT

1. *Existing Stormwater Infrastructure:*

- a. There is no public storm-only sewer available to this property.

2. *General Stormwater Management Requirements:* All development and redevelopment proposals are subject to the requirements of the City of Portland Stormwater Management Manual (SWMM). The SWMM is periodically updated; projects must comply with the version that is adopted when permit applications are submitted. The 2008 SWMM may be obtained at the City of Portland Development Services Center (1900 SW 4th Ave) and from the BES website (www.portlandonline.com/bes/2008SWMM). Development projects are evaluated using the criteria described in Section 1.3 of the SWMM. The Stormwater Hierarchy guides the applicant in determining where stormwater runoff should be conveyed (i.e. infiltrated on-site or discharged off-site). The highest technically feasible category must be used. Regardless of the discharge point, vegetated surface facilities are required to the maximum extent feasible to meet SWMM pollution reduction and flow control requirements.

3. *On-Site Stormwater Management Comments:* BES reviews stormwater management facilities on private property for the feasibility of infiltration, pollution reduction, flow control, and off-site discharges.

- a. BES understands that no new or redeveloped impervious area is being proposed at this time. Based on this information, in order to meet BES' approval criteria for adequacy of public services, the applicant was required to provide the results of infiltration test(s) on the subject site, performed by a professional engineer (PE), certified engineering geologist (CEG), or registered geologist (RG) in accordance

with Appendix F.2.

BES has reviewed the stormwater report from Rapid Soil Solutions dated January 30, 2013. The report includes infiltration test results of 26.9 inches per hour. Sufficient information has been provided to address BES land use review approval criteria.

4. *Public Right-of-Way Stormwater Management Comments:* BES reviews stormwater management facilities in the public right-of-way for compliance with SWMM requirements such as Infiltration and Discharge, Pollution Reduction, and Flow Control. The following comments apply to this project, as required by the City of Portland Bureau of Transportation (PBOT).
 - a. PBOT identified right-of-way improvement requirements that would be triggered with any future building permit review process (refer to the PBOT response to this land use review). However, it appears there are no right-of-way improvement requirements triggered through the current land use review process. Therefore, BES has no stormwater drainage improvement requirements at this time, but would need to review any future development of this site to ensure BES stormwater management requirements are met.
5. *Nonconforming Parking Lot and Landscape Requirements:* If this project will bring existing parking areas into compliance with current landscaping requirements per Chapter 33.258.070, then Section 1.5 of the SWMM requires that new landscaped areas must also be utilized as vegetated stormwater facilities where feasible. Section 1.5 includes examples of criteria that will be considered to determine feasibility. Note that if a stormwater facility is determined feasible the facility must be sized using the appropriate methodology from Chapter 2 of the SWMM, and should therefore be included in the required stormwater report. Plans submitted for land use review must be revised to show all required parking lot landscaping upgrades. (Exhibit E.1)

The Water Bureau response states the bureau has no concerns to the requested Comprehensive Plan Map and Zoning Map Amendment Review, for the property located at 750 N Fremont St. There is an existing 5/8 inch metered service which provides water to the site from an existing 8-inch CI water main in N. Albina Avenue. The estimated static water pressure range for this location is 63 psi to 79 psi at the existing service elevation of 178 feet. (Exhibit E.3)

The Fire Bureau responded with no concerns or objections (Exhibit E.4).

The Police Bureau response states that "it has been determined that the Portland Police Bureau is capable of serving the proposed change at this time." (Exhibit E.5)

The Portland Bureau of Transportation (PBOT) responded that transportation staff has reviewed the applicant's narrative addressing Goal 6 policies, and concurs with the applicant that the requested Comprehensive Map Amendment is consistent with adopted Goal 6 Policies. The PBOT response to the transportation-related Zoning Map approval criteria is as follows:

The applicant submitted a professionally prepared Transportation Impact Study (TIS) to address the transportation-related approval criteria associated with this Zone Change request. The TIS compares the potential worst case development scenario for the current IG1 zoning with two worst case development scenarios for the proposed EX zoning.

The TIS included area intersection capacity analysis utilizing industry standard trip generation methodology as well as a projected trip distribution consideration given observations made at and near the site. The intersections that were included in the analysis, as directed by PBOT staff, were those at N Mississippi/N Fremont, N Mississippi/N Cook and at N Albina/N Fremont.

The current IG1 zoning can accommodate most industrial uses such as manufacturing, warehousing, or general industrial service with no restrictions given for maximum floor-area-ratio or maximum height under the City's Zoning Code. To consider the most traffic-intensive use under current zoning, it was assumed that the subject property be built out with 11,000 sf designated for general light industrial.

The proposed zoning of EX can accommodate the same uses as IG1 as well as residential, office, and commercial uses. Under EX zoning, the maximum floor-area-ratio is restricted to 3 to 1 and height of the structure is limited to 65- ft. Two scenarios were observed to capture the most traffic intensive use under this proposed zoning. One scenario assumes that the subject property is built out with a 3-story, 33,000 sf building with 11,000 sf dedicated to ground-floor retail and 22,000 sf to office use. The second scenario assumes that the property houses a 33,000 sf medical office building.

To estimate the trip generation for the subject property, trip rates from the manual *TRIP GENERATION*, Ninth Edition, published by the Institute of Transportation Engineers (ITE), were used. A summary of the trip generation calculations for the assumed worse-case scenarios for the existing and proposed zoning are shown below.

	Morning Peak Hour Total	Evening Peak Hour Total
<i>IG1 Zoning</i>		
General Light Industrial	10	11
<i>EXd Zoning Scenario 1</i>		
Shopping Center	11	41
General Office	34	33
Potential Net Increase 1	35 (45-10)	63 (74-11)
<i>EXd Zoning Scenario 2</i>		
Medical Office Building	76	114
Potential Net Increase 2	66 (76-10)	103 (114-11)

City of Portland operational standards require Level of Service (LOS) E or better at unsignalized intersections and LOS D or better at signalized intersections. The following table represents the capacity analysis for the studied intersections (N Mississippi/N Fremont, N Mississippi/N Cook and at N Albina/N Fremont [each of these intersections are STOP controlled, but unsignalized]), under current zoning and proposed zoning scenarios, including a 20-year forecast period.

Capacity Analysis Summary

	Morning Peak Hour LOS	Evening Peak Hour LOS
<i>N Mississippi Ave/N Fremont St</i>		
Existing Conditions	A	A
2033 w/Current Zoning	B	B
2033 w/Proposed Scenario 1	B	C
2033 w/Proposed Scenario 2	B	C
<i>N Mississippi Ave/N Cook St</i>		
Existing Conditions	B	B
2033 w/Current Zoning	B	B
2033 w/Proposed Scenario 1	B	B
2033 w/Proposed Scenario 2	B	B

N Albina Ave/N Fremont St

Existing Conditions	B	B
2033 w/Current Zoning	B	B
2033 w/Proposed Scenario 1	B	B
2033 w/Proposed Scenario 2	B	B

The analysis prepared by the applicant's traffic consultant, again, utilizing acceptable industry standards, shows that all of the studied intersections currently and in the future, even considering the forecasted additional trip generation during the peak hours of operation associated with the proposed Zone Change, will satisfy City of Portland performance measures for intersection operations.

The amended Transportation Planning Rule (effective January 1, 2012) generally requires a local government to determine whether certain regulatory amendments will "significantly affect an existing or planned transportation facility." The land use actions that trigger compliance with this requirement are amendments to a functional plan, comprehensive plan, or a land use regulation (including a Zoning Map Amendment). (OAR 660-012-0060(1)) If the local government finds an amendment has a significant effect, it must take one or more specifically identified steps to address and remedy this conflict. (OAR 660-012-0060(2))

The analysis in the submitted TIS considered conditions in the year 2033 (20 years from the existing conditions). The City's Transportation System Plan update was adopted in 2011. As reflected previously in this response, the applicant has demonstrated to PBOT's satisfaction that the net increase in trips generated by the potential development allowed as a result of the change in zoning of the subject property will not significantly impact the functionality of the existing transportation system. The analyzed intersections will function at the same level regardless of whether or not the development allowed with the zone change occurs. Based on the detailed analysis, the proposed zone change will not degrade the performance of any existing or planned transportation facility to less than acceptable performance measures. Accordingly, the Transportation Planning Rule is satisfied.

Parking Analysis

The submitted TIS also included a parking analysis in relation to the adequacy of transportation services, which goes above and beyond the standard information that PBOT considers in reviewing requested Comprehensive Plan and Zone Map Amendments. PBOT compliments the applicant and his traffic consultant for providing the following analysis, which should be *considered as additional information only*.

On-site parking is not required in the EX zone, and City policy limits parking supply as a way of promoting multi-modal transportation for office uses in areas such as the central city. To determine the quantity of available parking in the vicinity, parking observations were made overnight, which is generally the period of peak demand for parking in residential neighborhoods, as well as midday on a weekday, which is the period of peak parking demand for other land uses in the vicinity of the project site including the commercial and industrial uses immediately adjacent to the site.

For the areas north of Fremont Street in the immediate site vicinity, the period of peak parking demand was observed to be overnight, while for areas south of Fremont, the period of peak parking demand was observed to be in the evening. This is consistent with expectations given the land uses in the area, which are primarily residential to the north of Fremont and primarily industrial or commercial to the south of Fremont.

Based on the observations conducted within a parking survey area within a reasonable distance from the subject site (which PBOT helped to identify), there is currently an abundance of on-street parking supply to accommodate the demands of the various uses in the area, including around the subject site.

In order to consider the net effect of the proposed zone change on on-street parking in the area, the applicant's traffic consultant analyzed the parking demand following full build out of the subject site

under current zoning in comparison to the parking demand under potential worst-case redevelopment of the site under the proposed zoning. The same development scenarios for current and proposed zoning considered under the intersection capacity analyses referred to previously in this response were utilized for the parking impact analysis.

Given the significant range of future redevelopment opportunity and scale of development on the subject site, and based on the observed parking supply and projected parking demands, future development under the proposed EX zoning was projected to result in a range of parking availability between 56 surplus spaces and a deficiency of 44 spaces. Accordingly, depending on how the site redevelops, on-site parking, transportation demand management strategies, or a combination of the two may be necessary to ensure continued availability of on-street parking. The extent to which these ~~will need to be considered~~ will depend on a number of factors including actual development scenario(s), as well as when and how neighboring properties are developed. It will be possible to provide adequate parking within the EX zone regardless of the type and density of development by using an appropriate combination of on and off-street parking. Additionally, City initiatives to convert motor vehicle trips to other modes such as transit, bicycling and walking can be expected to reduce the actual parking generation of the site than currently calculated.

The applicant has adequately demonstrated to PBOT's satisfaction, that there will be an adequacy of (transportation) services in relation to the demands of the proposed Comprehensive Plan/Zone Change. PBOT is therefore supportive of the proposed Comprehensive Plan/Zone Change request. (Exhibit E.2)

The **Oregon Department of Transportation (ODOT)** response states that ODOT has been monitoring the development and zone changes in this area. Based on the trip generation in the TIA, ODOT finds the traffic would not have an impact to the State facilities. (Exhibit E.8)

Summary: City of Portland service bureaus and the Oregon Department of Transportation all find that public services are adequate to support the uses and development allowed in the EX zone. Therefore, this approval criterion is met.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

Findings: The proposal does not involve IR zoning and therefore this criterion is not applicable.

C. When the requested zone is IR, Institutional Residential. In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

Findings: The request does not include the Institutional Residential zone. Therefore this criterion is not applicable.

D. Location. The site must be within the City's boundary of incorporation. See Section 33.855.080.

Findings: The site is within the City of Portland. This criterion is met.

Development Standards

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans

submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The applicant is seeking a Comprehensive Plan Map amendment from Industrial Sanctuary to Central Employment (which also requires designation of a Design zone overlay). Staff has reviewed the request against the relevant goals and policies of the *Comprehensive Plan*, and on balance finds the requested designation to equally or better support the *Plan* than the existing designation. The criteria is met for the Plan Map amendment proposal and should therefore be approved.

The city's service agencies and the Oregon Department of Transportation have responded to say that services are adequate for the requested zoning map amendment. Therefore, staff also recommends approval of the change from IG1 (General Industrial 1) to EXd, (Central Employment, with the Design overlay zone).

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Hearings Officer decision)

Approval of a Comprehensive Plan Map Amendment from Industrial Sanctuary to Central Employment; and

Approval of a Zoning Map Amendment from General Industrial 1 (IG 1) to Central Employment, with a Design overlay zone; (EXd)

for property legally described as Block 4, Lot 5-7, TL 3800, Riverview Sub., in the City of Portland, County of Multnomah and State of Oregon.

Procedural Information. The application for this land use review was submitted on March 22, 2013, and was determined to be complete on Apr 16, 2013.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 22, 2013.

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any

person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. This report is a recommendation by the Bureau of Development Services to the Land Use Hearings Officer. The Land Use Hearings Office may accept, modify, or reject this recommendation. The Hearings Officer will make a recommendation to the City Council within 30 days of the close of the record. You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant.

You may review the file on this case at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Your comments to the Hearings Office should be mailed c/o Land Use Hearings Officer, 1900 SW Fourth Ave., Suite 3100 Portland, OR 97201 or FAX your comments to (503) 823-4347.

City Council Hearing. The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's recommendation. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

Recording the final decision. If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of approval. Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Planner: Sheila Frugoli

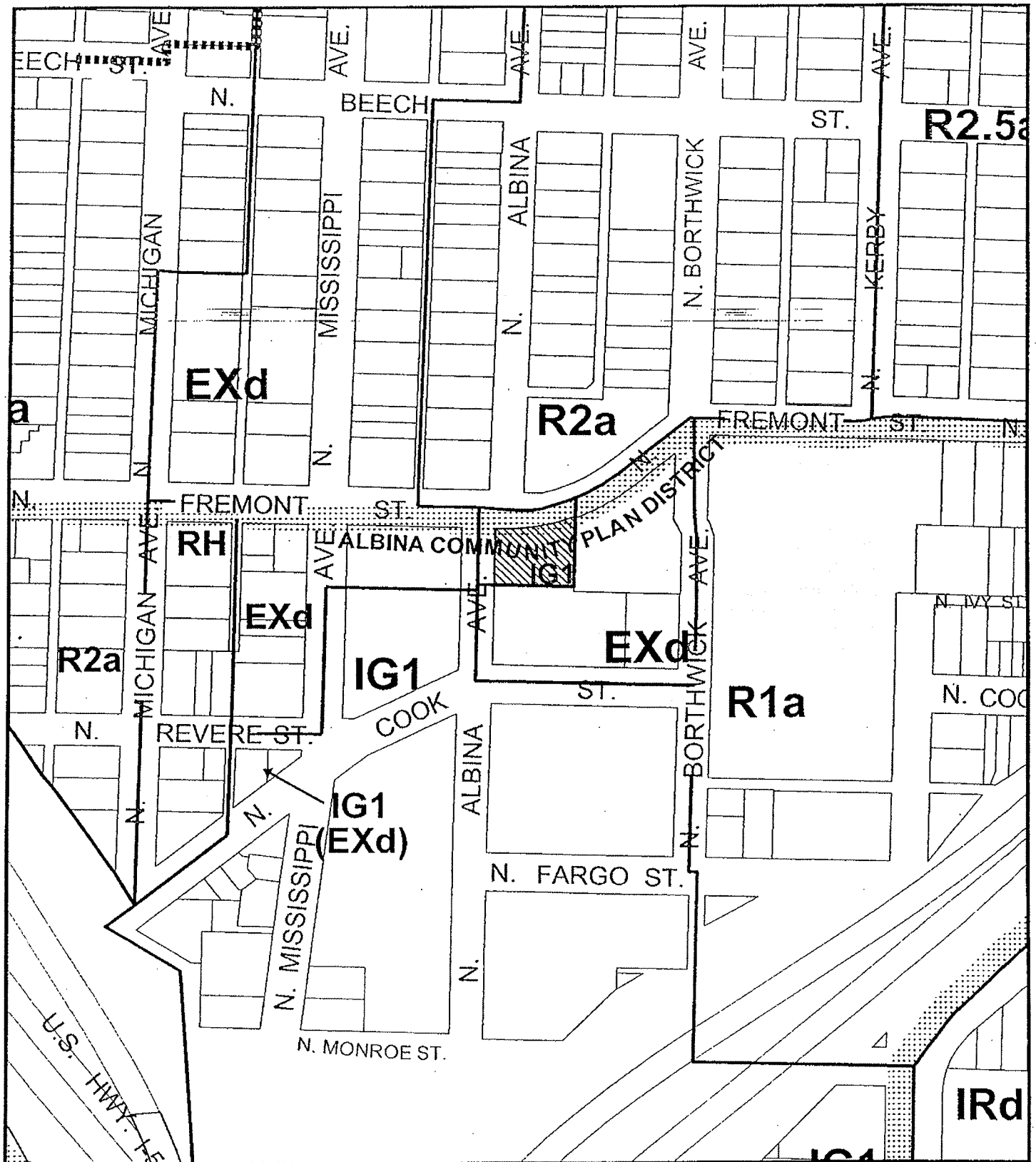
Date: June 7, 2013

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Application Submittal:
 - 1. Written Response to Approval Criteria
 - 2. Stormwater Infiltration Test, Prepared by Rapid Soil Solutions
 - 3. Traffic Impact Study, Prepared by Lancaster Engineering
 - 4. Analysis of Parking on N. Fremont, Technical Memo from Brian Davis, Lancaster Engineering to Fabio de Freitas, PBOT
- B. Zoning Map (attached):
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans & Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Request for Response
 - 2. Posting Letter Sent to Applicant
 - 3. Notice to be Posted
 - 4. Applicant's Statement Certifying Posting
 - 5. Mailing List
 - 6. Mailed Notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Life Safety Plan Review Section of Bureau of Development Services
 - 7. TRACS Print-Out – "No Concern" Response from Site Development Review Section of Bureau of Development Services and Bureau of Parks, Forestry Division
 - 8. Oregon Department of Transportation, E-Mail Response from Mariah Danielson
- F. Letters:
 - 1. Stephen Gomez, Boise Neighborhood Land Use, Transportation Co-Chair, May 29, 2013, Supports the Proposal
- G. Other:
 - 1. Original LUR Application
 - 2. Pre-Application Conference Summary Report
 - 3. Incomplete Application Letter to Applicant
 - 4. LCDC Notice of Proposed Amendment, Mailed May 8, 2013

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING EXISTING

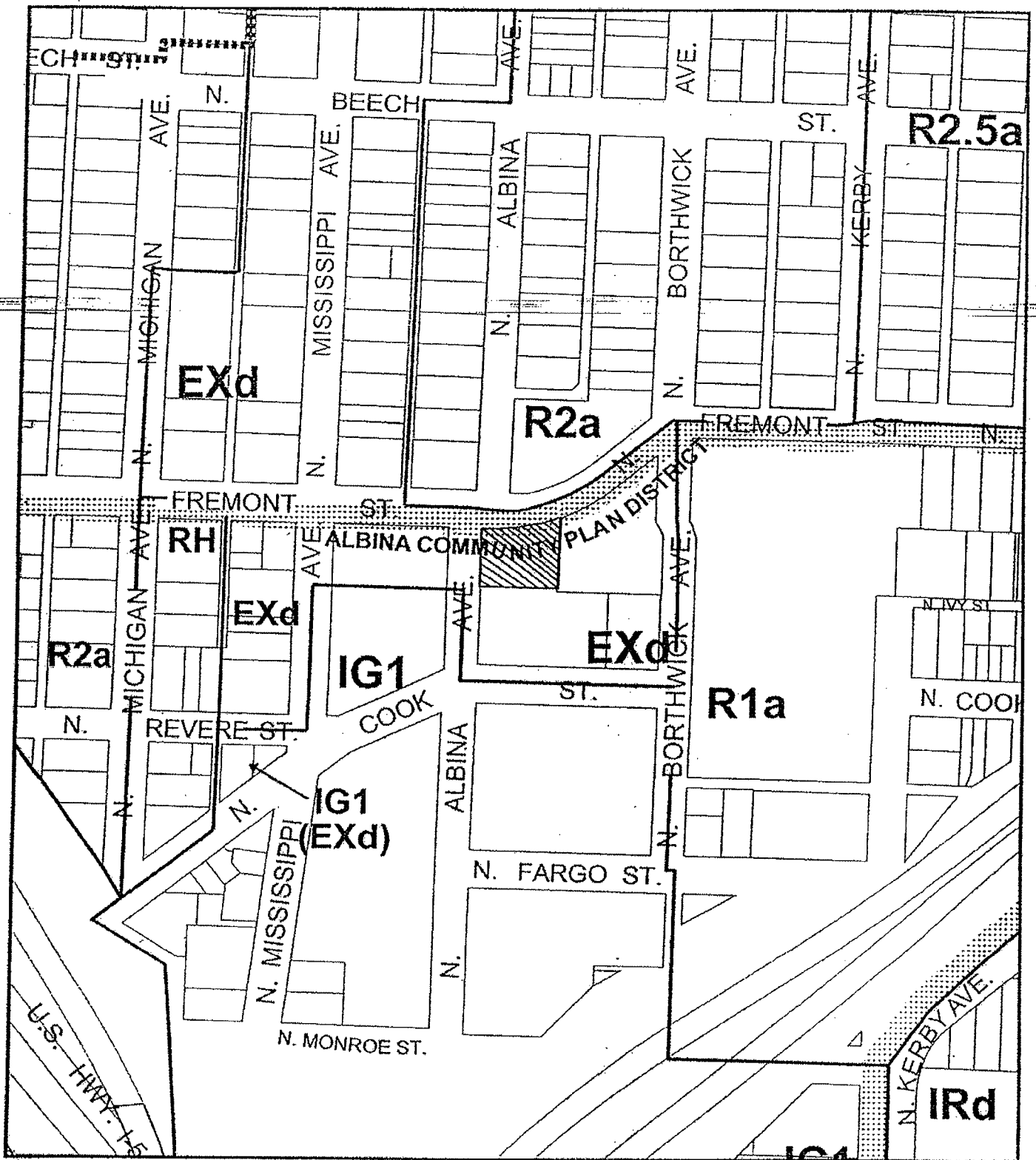


Site



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No. LU 13-131300 CP,ZC
 1/4 Section 2729
 Scale 1 inch = 200 feet
 State_Id 1N1E27BA 3800
 Exhibit B1 (Mar 27, 2013)

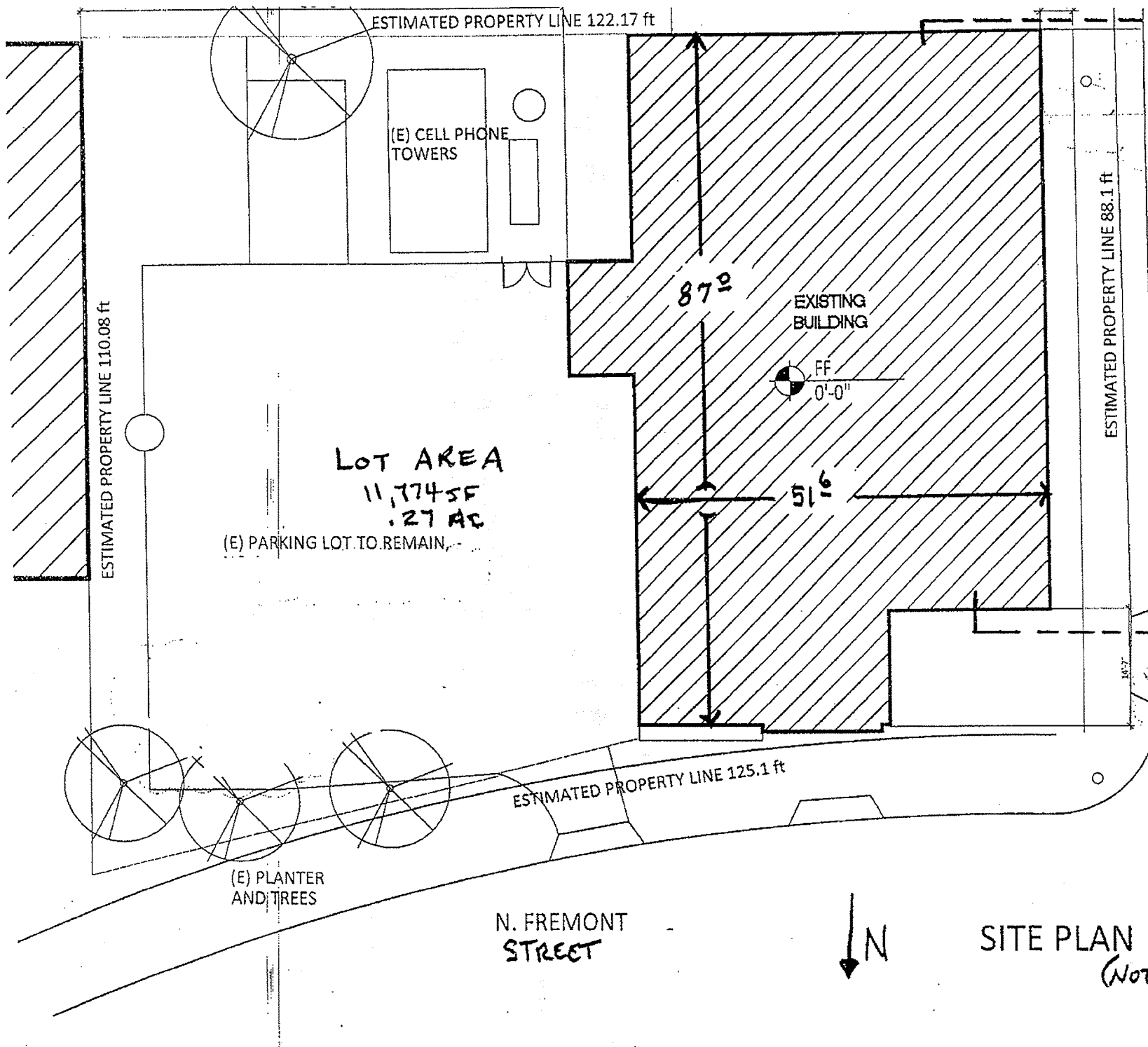


ZONING PROPOSED



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No. LU 13-131300 CP,ZC
 1/4 Section 2729
 Scale 1 inch = 200 feet
 State_Id 1N1E27BA 3800
 Exhibit B2 (Mar 28, 2013)



(E) SEWER
CONN
N. ALBINA AVENUE
W13 131300CPZC

(E) WATER
CONN
Exhibit C

SITE PLAN
(NOT TO SCALE)

Agenda No.
REPORT NO.
 Title

Consider the proposal of Paradise 39 Grape, LLC and the recommendation from the Hearings Officer for approval, to change the Comprehensive Plan Map designation from Industrial Sanctuary to Central Employment and the Zoning Map designation from IG1 General Industrial 1 to EX Central Employment, with a design overlay at the southeast corner of N Albina Avenue and N Fremont Street (Hearing; LU 13-131300 CPZC).

SP

INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz	CLERK USE: DATE FILED <u>AUG 02 2013</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz <i>Amanda Fritz</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Bureau of Development Services Bureau Head: Paul L. Scarlett <i>[Signature]</i>	ACTION TAKEN: AUG 08 2013 ACCEPT HEARINGS OFFICER'S RECOMMENDATION
Prepared by: Leanne Torgerson Date Prepared: 7/25/13	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: <i>KS Beaumont</i> required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date 8/8/13, 2:00 TC	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> <i>1082</i> Start time: 2:00 Total amount of time needed: 1 hour (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	