

Portland, Oregon
FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT
For Council Action Items

(Deliver original to City Budget Office. Retain copy.)

1. Name of Initiator Sheila Frugoli		2. Telephone No. 503-823-7817	3. Bureau/Office/Dept. BDS/Land Use Services
4a. To be filed (hearing date): August 8, 2013 2:00 pm TC	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and CBO Budget Analyst: July 24, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

1) Legislation Title:

The request is not for a legislative action, but instead is a type III Quasi-Judicial Comprehensive Plan Map amendment from Industrial Sanctuary to Central Employment, and concurrent Zoning Map Amendment from IG1 to EXd.

2) Purpose of the Proposed Legislation:

The request is not for a legislative action, but instead is a type III Quasi-Judicial Comprehensive Plan Map amendment from Industrial Sanctuary to Central Employment, and concurrent Zoning Map Amendment from IG1 to EXd for a 11,774 square foot parcel located at SE corner of N. Albina and N. Fremont (750 N. Fremont St.) Legislative Procedures described in Zoning Code Chapter 33.740 are handled by the Bureau of Planning & Sustainability. Quasi-Judicial Procedures described in Zoning Code Chapter 33.730, commonly known as "Land Use Reviews" are handled by the Bureau of Development Services. Quasi-judicial procedures specifically describe the City Council as the decision-maker for Type III Comprehensive Plan Map Amendment and concurrent review requests, per 33.730.030.E.3.

In this case, the Land Use Review includes a Comprehensive Plan Map and Zoning Map Amendment. The Hearings Officer has submitted a recommendation of approval. Staff will be presenting the Hearings Officer's recommendation at the hearing.

3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries)?

- | | | | |
|---|------------------------------------|------------------------------------|---|
| <input type="checkbox"/> City-wide/Regional | <input type="checkbox"/> Northeast | <input type="checkbox"/> Northwest | <input checked="" type="checkbox"/> North |
| <input type="checkbox"/> Central Northeast | <input type="checkbox"/> Southeast | <input type="checkbox"/> Southwest | <input type="checkbox"/> East |
| <input type="checkbox"/> Central City | | | |

FINANCIAL IMPACT

4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.

This is not a legislative action. The request comes from the property-owner of the subject site. As such, this request has no discernable impact on generating or impacting city revenue.

5) Expense: What are the costs to the City as a result of this legislation? What is the source of funding for the expense? *(Please include costs in the current fiscal year as well as costs in future year, including Operations & Maintenance (O&M) costs, if known, and estimates, if not known. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)*

This is not a legislative action. There are no costs to the City associated with this quasi-judicial land use review. The City resources necessary to review the Comprehensive Plan Map and Zoning Map Amendments are fully covered by the land use review fees paid by the applicant.

6) Staffing Requirements:

This is not a legislative action, and so there are no additional staffing "requirements". No positions will be created, eliminated or reclassified as a result of this quasi-judicial land use review.

Staff/responsibilities involved in processing Land Use Reviews include: The assigned Planner from the BDS Land Use Services (LUS) Division, Records Management staff from LUS, supervisory oversight, staff review from PBOT, BES, BPS and potentially other city agencies who have been involved in this land use review.

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No.

(Complete the following section only if an amendment to the budget is proposed.) None.

7) Change in Appropriations *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]

PUBLIC INVOLVEMENT

8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:

☒ **YES:** Please proceed to Question #9.

☐ **NO:** Please, explain why below; and proceed to Question #10.

9) If “YES,” please answer the following questions:

a) What impacts are anticipated in the community from this proposed Council item?

The impacts from this proposal are what the Comprehensive Plan Map and Zoning Map Amendment will allow, as considered in this review. Staff and the Hearings Officer have analyzed the anticipated impacts. The Hearings Officer’s recommendation speaks to these under the applicable approval criteria. In summary, the Hearings Officer found the requested amendments were, on balance, equally or more supportive of the relevant Comprehensive Plan goals and policies than the existing designation on the site. And the Hearings Officer found the request will have no impacts to public services.

b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?

The Zoning Code requires for a Type III Land Use Review that public notice be mailed to property owners within 400 feet of the subject site and that the site be posted for a minimum of 30 days prior to the first hearing before the Hearings Officer. The notice also goes to the neighborhood association and any city-recognized business associations. Notice of the City Council hearing was also mailed to all the individuals and organizations described above. Hearings are also posted on the BDS website. There are no other public involvement efforts on the part of city staff.

c) How did public involvement shape the outcome of this Council item? Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Hearings Officer. Public input is also welcome at the hearing before City Council.

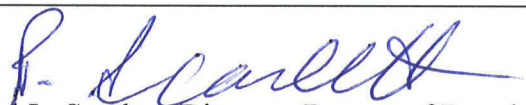
d) Who designed and implemented the public involvement related to this Council item? City Council adopted the procedures outlined in the Zoning Code. The Bureau of Development Services implements these land use review procedures.

e) Primary contact for more information on this public involvement process (name, title, phone, email): Sheila Frugoli, BDS Senior Planner is the assigned planner for this

quasi-judicial land use review. She prepared the public notices used for mailing and posting. Her phone is 503-823-7817, her e-mail address is: Sheila.Frugoli@portlandoregon.gov. However, these procedural activities are not a public involvement process per se.

10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.

No. Once City Council conducts the hearing and makes their decision, the official maps will be changed, if approved. If the City Council decision is appealed it will be heard by the State Land Use Board of Appeals (LUBA). Public involvement is not a component of the review done by the higher review bodies.



Paul L. Scarlett, Director, Bureau of Development Services

APPROPRIATION UNIT HEAD (Typed name and signature)



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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MEMORANDUM

Date: July 23, 2013

186193

TO: Mayor Charlie Hales
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Steve Novick
Commissioner Dan Saltzman

FROM: Paul L. Scarlett, Director
Bureau of Development Services

PLS

RE: City Council hearing on LU 13-131300 CP ZC (750 N. Fremont St.)

The purpose of this memorandum is to provide a briefing on the upcoming public hearing scheduled for **August 8, 2013 at 2:00 p.m.**

1. **Land Use Reviews Requested:** Comprehensive Plan Map and Zoning Map Amendment from the Industrial Sanctuary designation and IG1, General Industrial 1 zone to the Central Employment designation and zone (EXd). The d, Design overlay zone is always applied with the EX zone. See the attached Hearings Officer Report.
2. **Nature of Hearing:** Amendments to the City's Comprehensive Plan Map requires two public hearings. At the first public hearing, City staff presented their recommendation to the Hearings Officer. At the Council hearing, staff will present the Hearings Officer's recommendation. Both hearings are evidentiary, i.e. new information may be submitted. The State mandated 120-day land use review clock does not apply to Comprehensive Plan Map Amendment reviews.
3. **Key Elements of Proposal:**
 - The 11,774 square foot site is the last remaining lot on the block that is not EXd zoned.
 - The EX zone allows employment, commercial and residential uses. The IG1 zone restricts the size and number of retail and office uses and prohibits residential development.
 - The existing building on the site has been renovated recently. It has tenant spaces that can accommodate light industrial (employment) and commercial spaces. There are two existing cell towers (monopoles) and equipment on the site.

- The owner, Mr. Richard Larson, (a member of the City's Adjustment Committee) has a commercial tenant waiting to occupy the space. Therefore he hopes the Council's deliberation will not take multiple hearings/readings.
 - If redeveloped, the floor area ratio allowed in the EX zone would allow a building with up to 35,322 square feet of floor area. The building could be up to 65 feet in height. New development, including the installation of cellular antennas on the building would require Design Review.
 - Across the street, on the north side of N. Fremont are residences—apartment and single dwelling. South of the block, where the subject site is located is the Albina Yard--City of Portland Maintenance Facility.
 - The service bureaus including PBOT and ODOT find that services/infrastructure is adequate to serve future uses/development that is allowed in the EX zone.
4. **Neighbor Response:** No concerns/objections were raised before or at the first hearing. A letter of support was submitted from the Boise Neigh. Association representative.

On July 23, staff received a phone call from a nearby property owner—Mr. Jim Foteff who owns a 28,000 square foot site at 825 N. Cook, west of the subject site. Mr. Foteff opposes the request. If this proposal is approved, Mr. Foteff's site will be last remaining industrially-zoned site, north of N. Cook Street. Mr. Foteff is concerned about conflicts/complaints from those who will occupy future commercial and residential development. He intends to testify at the Council hearing.

5. **Staff and Hearings Officer Recommendation:** Hearings Officer Gregory Frank concurs with staff and recommends the City Council approve the proposal.
6. **Requested Council Action:** Adopt the Hearings Officer's recommendation. NOTE: Staff has prepared an EMERGENCY ORDINANCE. If the Council concurs with the Hearings Officer, the Emergency Ordinance will expedite the map change, per the applicant's request. If Council does not unanimously support the request, the Ordinance will need to be changed to a Non-Emergency Ordinance prior to the last vote being called.