



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

Chloe Eudaly, Commissioner
 Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

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

CASE FILE: LU 16-186417 CP ZC
 Hearings Office Case # 4160026

WHEN: May 3, 2017 at 3:00 PM

WHERE: CITY COUNCIL CHAMBERS
 1221 SW FOURTH AVENUE

Date: April 12, 2017
To: Interested Person
From: Mark Moffett, City Planner
 (503) 823-7806, mark.moffett@portlandoregon.gov

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 March 17, 2013, the Hearings Officer issued a recommendation of approval, with conditions, 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. You are invited to testify at the hearing.

Copies of the existing and proposed zoning maps and site plan 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: Greg Winterowd/ Winterbrook Planning
 310 SW 4th Ave., #1100/ Portland, OR 97204

Property Owner: Run Our Dream LLC/ Attn.: Rob Brewster
 1157 Federal Ave. E./ Seattle, WA 98102-4314

Architect: Leslie Cliff/ Bora Architects
 720 SW Washington St., Suite 800/ Portland, OR 97205

Site Address: 2815 SW BARBUR BLVD
Legal Description: BLOCK 74&75 TL 2300, CARUTHERS ADD
Tax Account No.: R140907550
State ID No.: 1S1E09AA 02300
Quarter Section: 3328
Neighborhood: South Portland NA
Business District: South Portland Business Association
District Coalition: Southwest Neighborhoods Inc.

Existing Zoning: CN2d (Neighborhood Commercial 2 base zone with Design overlay zone),
 R1d (Residential 1,000 base zone with Design overlay zone)

Proposed Zoning: CSD (Storefront Commercial base zone with Design overlay zone)

Case Type: CP ZC (Comprehensive Plan Map and Zoning Map Amendments)
Procedure: Type III, with a recommendation from the Hearings Officer to City Council, which will hold a hearing and make the final city decision.

Proposal: The applicant is in the process of converting the former Metro Family YMCA into office space. Recent Design Review procedures at the site have approved Phases I and II of the proposed site renovations, but the Phase II work, including a new upper floor for the building, requires a change in zoning. The floor area and height limits for the proposed Phase II work cannot be approved without an “up-zone” to the Storefront Commercial (CS) zone. The recent Phase II Design Review, recently approved by Design Commission (LU 16-185068 DZM), has a condition of approval that prevents the Phase II vertical expansion of the building from going forward prior to obtaining a zone change to CS on the site.

The proposal requires changes to both the Comprehensive Plan Map and Zoning Map Designations. The existing site has Neighborhood Commercial and Medium Density Multi-Dwelling Comprehensive Plan Map designations, with the corresponding CN2 (Neighborhood Commercial 2) and R1 (Residential 1,000) Zoning Map designations. The proposal would convert the entire site to an Urban Commercial Comprehensive Plan Map designation, with a corresponding CS (Storefront Commercial) Zoning Map designation. The proposed designation will retain the Design overlay zone, and the property will remain within the Terwilliger Parkway Design District. The Land Use Hearings Officer conditionally approved the request, as follows:

Approval of a Comprehensive Plan Map Amendment from Neighborhood Commercial 2 and Medium Density Multi Dwelling to Urban Commercial.

Approval of a Zoning Map Amendment from CN2d (Neighborhood Commercial 2 with Design overlay zone) and R1d (Residential, 1,000 with Design overlay zone) to CSD (Storefront Commercial base zone with Design overlay zone). Both approvals are subject to the following conditions:

A. Prior to any changes being made to the Zoning Map and Comprehensive Plan Map designations, the applicant must:

1. Submit a letter from Central City Concern documenting owner permission for the use of an existing restrictive covenant on two units at the site of the Richard L. Harris Building (8 NW 8th Avenue), with the covenant having been previously documented as Exhibit G.5 of LU 14-104931; or,
2. Submit documentation of property owner permission and a restrictive covenant of at least 25 years for two units at the site of another commercial or employment zone project with non-required housing.

B. The following conditions are applicable to development on the site:

1. Development shall be limited to the land use and trip rate allocations per Table 1 below. Total vehicle trips shall not exceed 401 AM peak hour trips. The applicant shall be responsible for providing an accounting of all square footages for each proposed use, as well as existing uses, and the conversion to vehicle trips for each building permit application.

Zoning Land Use Category	Building Square Footage (GLA/Other)	AM Peak Hour Trip Rate ²
Office (Medical/Dental Office, ITE 720)	1,000 square feet	2.39
Retail Sales and Service (High-Turnover Sit-Down Restaurant)	1,000 square feet	10.81
Household Living (Apartment, ITE 220)	1 dwelling unit	0.51
Vehicle Repair (Automobile Care Center, ITE 942)	1,000 square feet	2.25
Industrial Use Categories (Manufacturing, ITE 14)	1,000 square feet	0.73
Institutional Use Categories (Day Care, ITE 565)	1,000 square feet	12.18

2. In addition to documenting compliance with applicable Zoning Code requirements, all building permit applications submitted for new development/redevelopment shall include:
- a. A description of the proposed development, with floor area or dwelling unit calculations by land use category;
 - b. The resulting new vehicle trips generated by the proposed development, using Table 1;
 - c. The calculated number of vehicle trips generated by any existing development, using Table 1; and
 - d. Confirmation that proposed use vehicle trips plus existing use vehicle trips do not exceed 401 AM peak hour trips.

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.A-B**, Approval Criteria for Comprehensive Plan Map Amendments; and
- **33.855.050.A-D**, Zoning Map Amendment Approval Criteria.

The above criteria also include, by reference, applicable portions of the *Portland Comprehensive Plan* (goals and policies), State Land Use Goals, and the *Metro Urban Growth Management Functional Plan* (titles).

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

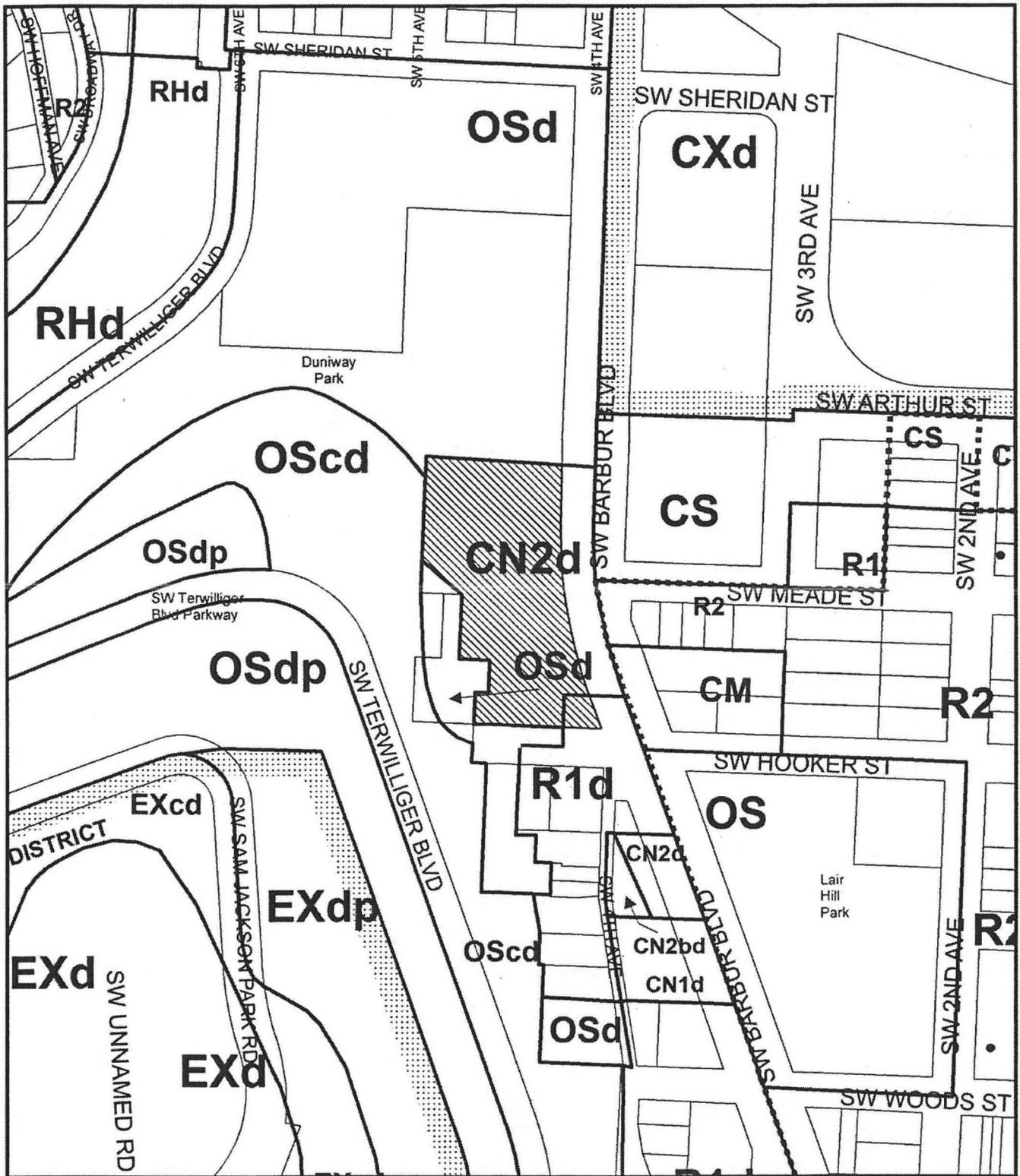
The decision of the City Council may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer Street NE, Suite 330, Salem, OR 97310. The phone number for LUBA is (503) 373-1265. Failure to raise an issue in person or in writing by the close of the record at or following the final evidentiary 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. 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).

Enclosures:

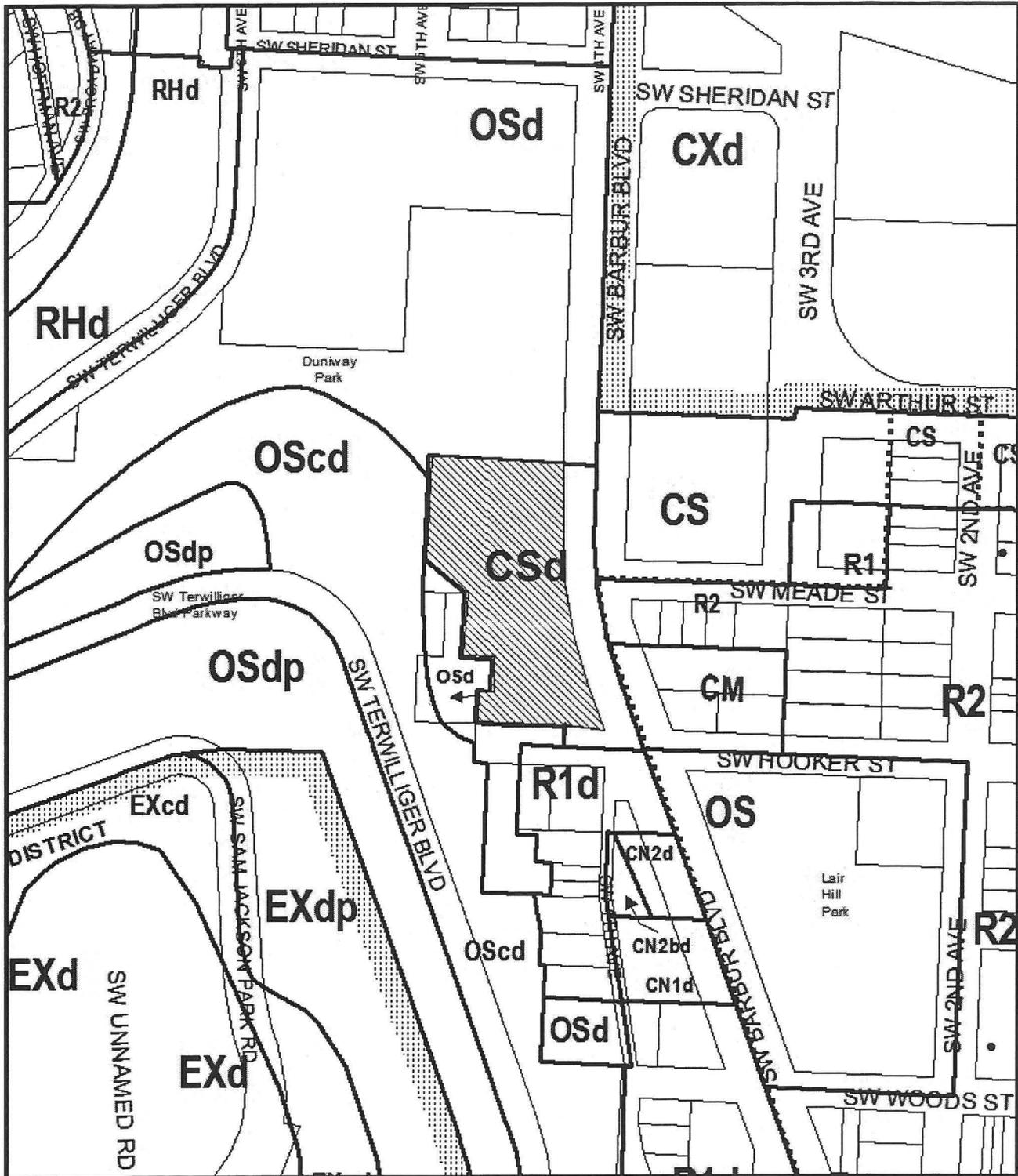
Existing Zoning Map
Proposed Zoning Map
Exhibit C.1, Site Plan
General Explanation for City Council Process For Evidentiary/De Novo Hearings



ZONING EXISTING

-  Site
-  Historic Landmark
-  NORTH

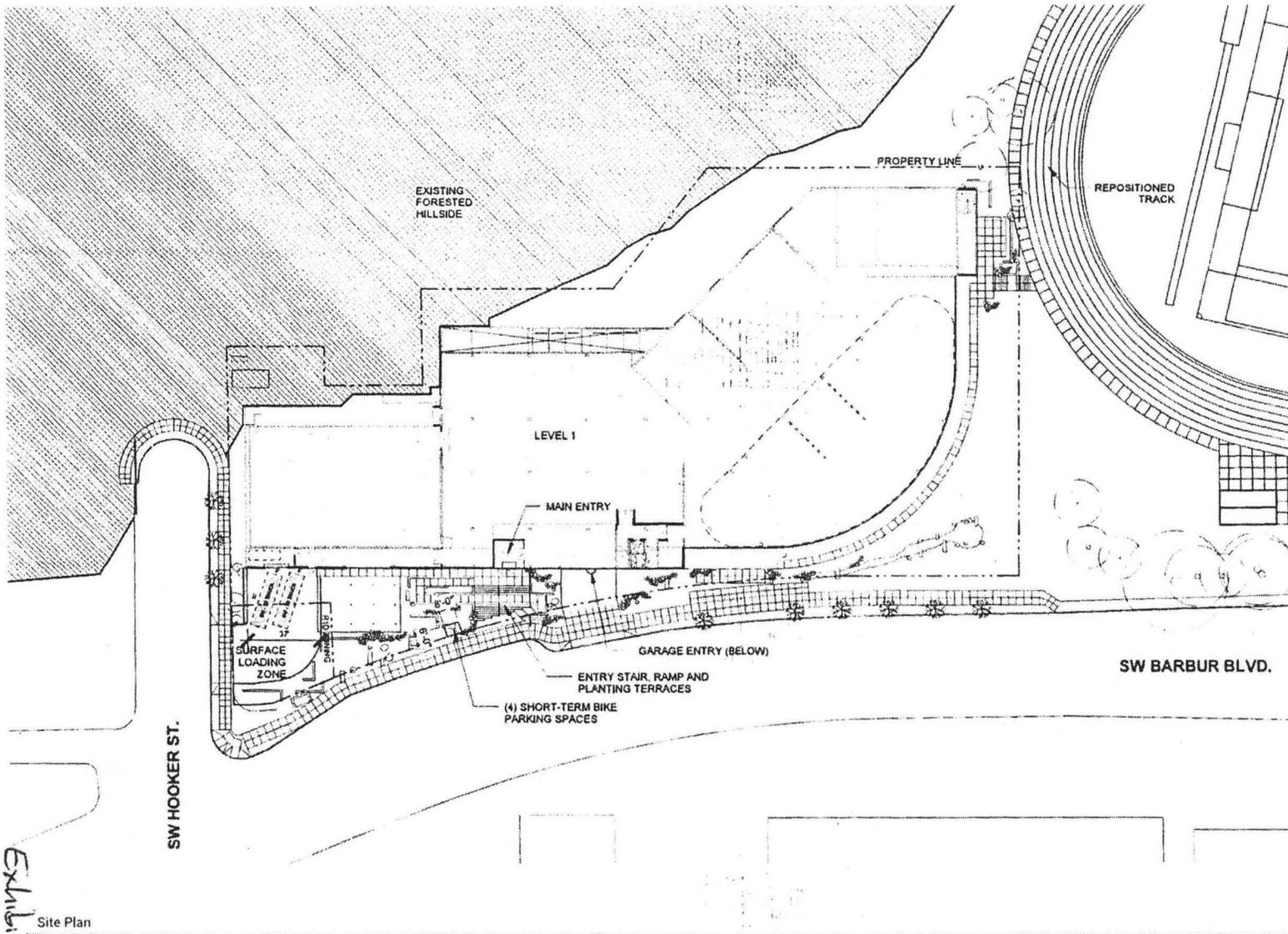
File No. LU 16-186417 CP ZC
 1/4 Section 3328
 Scale 1 inch = 200 feet
 State_Id 1S1E09AA 2300
 Exhibit B.1 (Jun 13, 2016)



ZONING PROPOSED

-  Site
-  Historic Landmark
-  NORTH

File No.	LU 16-186417 CP ZC
1/4 Section	3328
Scale	1 inch = 200 feet
State Id	1S1E09AA 2300
Exhibit	B.2 (Apr 06, 2017)



APPROVED UNDER
LAND USE REVIEW
#LU 15-205150 DZM
NOVEMBER 16TH, 2015

Scale: N.T.S.

FILE # 16 - 143500 - 000 - 00 - EA
June 6, 2016

exhibit C.13

W 16-186417
Exhibit C.1
CR 2C

Site Plan
The Site

LU 16-186417 CR 2C

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.

Bureau of Development Services - Land Use Services Division
Refund Request Form for Void/Withdrawn/Cancelled Application/Case/Appointments

PLANNER: Complete Upper Section of this form. Submit form to Section or Division Manager for authorization.

Today's Date:

Intake Date:

To: BDS Administration Section, A/P

From:

(Required if case 6+ months old)

Approved by Manager:

Division Manager:

Case Number:

Refund of Service Bureau Fees:

▪ Reviewed by Service Bureaus No (100% refund) Yes (No Refund)

* If over \$1,000 dollars has been paid to PBOT, Section Manager check with PBOT for possible partial refund.

Refund of Hearings Officer Fee

▪ Did hearing occur? No (100% refund) Yes (No Refund)

Write an explanation on the lines provided below. Your explanation will go into TRACS. If there are concurrent reviews, and one or more are withdrawn, identify which reviews are withdrawn. *Special Refund Instructions.*

Refunding BES, PBOT, and UF fees as this is in unincorporated Multnomah County, not Portland. (\$500 was transferred from BES to LUS fees to make up that difference, so the refund for the BES fees will be \$174, fee code 324.)

Is the case now considered inactive? No Yes If yes, please attach the case file.

Please check the appropriate situation.

(A) **Unnecessary fees/Review** When a fee is accepted for a land use review that is later found to not be required, a full refund of all land use review fees for the unnecessary review will be given. *If there are concurrent reviews, identify on reverse page which review is being withdrawn.*

(B) **Errors** - When an error is made in calculating a fee, overpayment will be refunded.

(C) **Void Land Use Review or Final Plat** (Zoning Code Section 33.730.060.A.2.d) – The fee is non-refundable.

(D) **Withdrawn Application**

Application Withdrawn:	Percent Refund of LUS Fee
1. Early Assistance Appointment	
<input type="checkbox"/> At least 7 days prior to the appointment.	50% of LUS fee
2. Final Plat	
<input type="checkbox"/> After staff sends the first redlines or plat comments to the customer.	50% of LUS fee
<input type="checkbox"/> After staff sends the second redlines or plat comments to the customer.	25% of LUS fee
3. Land Use Review - Type I/II or IX	
<input type="checkbox"/> Before the Notice of Proposal is sent to P&D.	75% of LUS fee (amount retained should not be less than \$200 or more than \$1,500)
<input type="checkbox"/> After the Notice of Proposal is sent to P&D, but before staff sends the Notice of Decision to P&D.	25% of LUS fee (amount retained should not be less than \$300 or more than \$4,000)
4. Land Use Review - Type III or IV	
<input type="checkbox"/> Before the Request for Response is sent to the infrastructure bureaus.	75% of LUS fee (amount retained should not be less than \$400 or more than \$2,000)
<input type="checkbox"/> After the Request for Response is sent to the infrastructure bureaus, but before the Notice of Public Hearing is sent to P&D.	50% of LUS fee (amount retained should not exceed \$7,000)
<input type="checkbox"/> After the Notice of Public Hearing is sent to P&D, but before the staff recommendation is published.	30% of LUS fee (amount retained should not exceed \$10,000)

5. Pre-application Conference	
<input type="checkbox"/> Before the staff sends the conference information to the infrastructure bureaus.	75% of LUS fee
<input type="checkbox"/> After staff sends the conference information to the infrastructure bureaus, but at least 7 days prior to the conference.	50% of LUS fee
<input type="checkbox"/> Within 6 days prior to the conference.	25% of LUS fee

(E) Appeal Fees

Full refund if the following are met:

1. Type III – Appellant prevailed, and no new evidence presented at appeal hearing.
2. Type II, IIx and III – Appellant prevailed by:
 - a. overturning the lower decision-maker's decision; or
 - b. persuading the appellate decision-maker to modify the lower decision-maker's decision in the appellant's favor for one or more of the reasons identified in the appeal.

It is not necessary for the appellant to prevail on all of the issues raised. Prevailing on just one issue is sufficient.

(F) No refund (They do not qualify for any of the partial refunds provided for in D above)

1. Appeal fees are nonrefundable, except as provided for in Subsection E.

(G) Letter waiving LUS Fee (fees waived by Director) Amount reduced \$_____/_____% Attached waiver letter.

(H) Special Circumstances/Refund arrangements per Division Manager or Section Manager.

(I) Public Registry (PR)

- LUS 100% Refund -Unnecessary fees or review
- LUS 75% Refund - Completeness check only, check sheet NOT sent or completed
- LUS 50% Refund - First checksheet sent, minimal staff time spent, bureau comments returned
- LUS 25% Refund- Second checksheet sent, comprehensive staff review

FORWARD THIS FORM TO LUS TECHS AFTER ALL FIELDS ABOVE FILLED IN AS NEEDED

LUS TECH STAFF: Initial and date after data entry Date:

Refunds:	Fee Code	<input checked="" type="checkbox"/> Full	<input type="checkbox"/> Partial	%	Refund of \$
	<input type="text" value="324"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text" value="174.00"/>
	<input type="text" value="4504"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="100"/>	<input type="text" value="150.00"/>
	<input type="text" value="384"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="100"/>	<input type="text" value="278.00"/>
	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
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	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

Please process a refund in the amount of \$ to:

Company Name
 Contact Person
 Mailing Address
 City/State/Zip

Original Payment Type

- Check
- Cash
- Card

Vendor # Authorization #



City of Portland, Oregon - Bureau of Development Services



1900 SW Fourth Avenue - Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds

Fee Transfer Form

From (Completed by staff)		To	
Permit # 17-153724		Permit # 17-153724	
Bill Number(s) from (completed by staff)		Bill Number(s) to (completed by staff)	
Fee Code	Amount to be Transferred	Fee Code	Amount
(completed by Finance)			
324	400.00	208	400.00
Total: \$400.		Total: \$400.00	

Reason for Transfer:

Unincorporated Mult. Co. (adjusting fees)

Prepared by Staff: E. Duncan Date: 4/20/17
 Section Manager Signature: [Signature] Date: 4/20/17

Finance Staff Use Only.

Authorization #:	SAP Doc #:
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IMPACT STATEMENT

Proposal: The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map amendment from Neighborhood Commercial and Medium Density Multi-Dwelling to Urban Commercial, and a Zoning Map Amendment from Neighborhood Commercial 2 and Residential 1,000 to Storefront Commercial.

Contact name: Mark Moffett, Senior City Planner, Land Use Services

Contact phone: 503-823-7806

Presenter name: Mark Moffett

Purpose of proposal and background information:

The request is not for a legislative action, but instead is a Type III Quasi-Judicial Comprehensive Plan Map amendment Neighborhood Commercial and Medium Density Multi-Dwelling to Urban Commercial, and a Zoning Map Amendment from Neighborhood Commercial 2 and Residential 1,000 to Storefront Commercial, at 2815 SW Barbur Boulevard. 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 Amendment and Zoning Map Amendment. The Hearings Officer has submitted a recommendation of conditional approval. Staff will be presenting the Hearings Officer's recommendation at the hearing.

Financial and budgetary impacts:

This is not a legislative action, but rather a Type III quasi-judicial land use review to change the Comprehensive Plan Map and Zoning Map designations on the site. The request comes from the consultant representing the property owner. 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 Amendment and Zoning Map Amendment are fully covered by the land use review fees paid by the applicant. As such, this request has no impact on generating or reducing revenue coming to the City.

Community impacts and community involvement:

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the South Portland Neighborhood Association, the South Portland Business Association, and the Southwest Neighborhoods Inc. (district coalition) all received notice. In addition, all property

owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus and Tri-Met.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Comments from the public were received by city staff and the Hearings Officer during the review process.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
- NO: Skip this section

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