



# Portland City Auditor

Hearings Office

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## RECOMMENDATION OF THE HEARINGS OFFICER

### I. GENERAL INFORMATION

**File Number:** LU 16-292724 CP ZC (Hearings Office 4170019)

**Applicant:** Sarah Radelet  
Strata Land Use Planning  
PO Box 90833  
Portland, OR 97290

**Property Owner:** Aaron and Amanda Tinkle  
8345 SW 11<sup>th</sup> Avenue  
Portland, OR 97219

**Hearings Officer:** Joe Turner

**Bureau of Development Services (BDS) Staff Representative:** Amanda Rhoads

**Site Address:** 5901 SE Belmont Street

**Legal Description:** LOT 4 INC UND INT TRACT A, SCHROBERG ESTATES

**Tax Account No.:** R749750200

**State ID No.:** 1S2E06AA 07804

**Quarter Section:** 3136

**Neighborhood:** Mt. Tabor

**Business District:** Belmont Business Association

**District Neighborhood Coalition:** Southeast Uplift

**Existing Zoning:** R2 (Low-Density, Multi-Dwelling, Residential 2,000)

**Proposed Zoning:** CN1 (Neighborhood Commercial 1)

**Land Use Review:** Type III, CP ZC (Comprehensive Plan Map and Zoning Map Amendments)

**BDS Staff Recommendation to the Hearings Officer:** Approval with conditions

**Public Hearing:** The hearing was opened at 9:00 a.m. on August 2, 2017 in the 3<sup>rd</sup> floor hearing room, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, and was closed at 9:21 a.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional seven 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:**

Amanda Rhoads

Aaron Tinkle

Sarah Radelet

**Proposal:** The applicant proposes a Comprehensive Plan Map Amendment and Zoning Map Amendment to this 6,468-square-foot lot on SE Belmont Street. The Comprehensive Plan Map Amendment would change the Comprehensive Plan Map designation of the site from a Low Density Multi-Dwelling designation to a Neighborhood Commercial designation. The Zoning Map Amendment would change the zoning from R2 (Residential 2,000) to CN1 (Neighborhood Commercial 1). The Neighborhood Commercial 1 (CN1) zone is intended for small sites in or near dense residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. The ultimate project would result in removal of the existing house on the site and the construction of a new dental office for the owner, who currently operates a dental office two lots to the east.

**Relevant 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 Amendments**
- **33.855.050 Zoning Map Amendments**

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

## II. ANALYSIS

**Site and Vicinity:** The site is a 6,468-square-foot lot developed with a single-dwelling residence with detached garage. The house was constructed in 1937. The property was part of a subdivision review in 2013 (LU 13-168165 LDS), which resulted in the lot's current configuration. Several

conditions of approval from that subdivision review still apply to current and future development on the site, including conditions regarding maintenance of the private street tract to the west of the site, ensuring no commercial vehicle access or traffic can access the site from the private street in the R2 zone, and requiring the maintenance of the four trees along the west property line on the private property, but provided for the private street, and the one street tree along SE Belmont.

**Zoning:** The site is currently zoned R2. The Residential 2,000 (R2) zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The proposed zone is CN1. The Neighborhood Commercial 1 (CN1) zone is intended for small sites in or near dense residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Some uses which are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.

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

- **LU 13-168165 LDS:** Approval of a 5-lot land division (subdivision) with conditions. Regarding the subject site, the primary conditions are the retention of the four trees planted along the west property line in lieu of street trees for the private street tract, and ongoing maintenance responsibilities for that private street tract, along with the other four lots.

**Agency Review:** A "Request for Response" was mailed June 21, 2017. The following bureaus have responded with no issues or concerns:

- The Bureau of Environmental Services (BES) stated that applicant-provided calculations demonstrate that "anticipated sanitary flow from a CN1-zoned lot is less than the flow from an R2-zoned lot. Therefore, the existing public sanitary system is adequate for the proposed use." Further, the proposed stormwater management plan was found to be

acceptable and sufficient for demonstrating the stormwater management approval criterion is met. Additional information required at time of permit review was also included (Exhibit E.1).

- The Bureau of Transportation (PBOT) responded with an analysis of the proposal and submitted findings and comments regarding compliance with Goal 6, the State Transportation Planning Rule, and adequacy of the transportation system. PBOT concluded the proposal meets all transportation-related approval criteria (Exhibit E.2).
- The Water Bureau had no concerns regarding the Comprehensive Plan Map Amendment and Zoning Map Amendment (Exhibit E.3).
- The Fire Bureau had no concerns regarding the Comprehensive Plan Map Amendment and Zoning Map Amendment (Exhibit E.4).
- The Site Development Section of BDS had no concerns regarding the Comprehensive Plan Map Amendment and Zoning Map Amendment (Exhibit E.5).
- The Police Bureau had no concerns regarding the Comprehensive Plan Map Amendment and Zoning Map Amendment (Exhibit H-3).
- The Life Safety (Building Code) Plans Examiner had no concerns regarding the Comprehensive Plan Map Amendment and Zoning Map Amendment (Exhibit E.7).

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal notice. However, the applicant included a letter of support from the Mount Tabor Neighborhood Association in the initial land use application. That letter stated the following:

“Our neighborhood is primarily residential, and neighborhood services are difficult to find...In recent times the city has upzoned several nearby corridors, and residential density is steadily increasing. However, the supply of land and buildings for local services has not kept up with the increasing population, and the fact that our dentist needs more space is emblematic of this gap. The proposed rezoned will help reduce that gap, while not adversely impacting the supply of R2 lots...Our neighborhood association strives to maintain the residential character of our neighborhood and appreciates convenient access to the small commercial nodes interspersed among us. In this case, we support the expansion of the CN1 zone for one isolated R2 lot in order to clear a path for additional neighborhood services” (Exhibit A.3).

## **ZONING CODE APPROVAL CRITERIA**

### **33.810.050 Approval Criteria (Comprehensive Plan Map Amendments)**

**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:** The following analysis includes an assessment of the Comprehensive Plan goals, policies and objectives relevant to this proposal. Based on this analysis, it is determined that on balance the proposed designation is equally or more supportive of the Comprehensive Plan than the current designation. Therefore, this criterion is met.

### **Comprehensive Plan Goals and Policies**

#### **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 City of Portland's Comprehensive Plan and the Implementing Zoning regulations of PCC Title 33 are either in compliance with, or are not inconsistent with, the applicable Metro Titles. The proposal is consistent with the Metro Titles that are applicable.

The Metro Titles in that section relevant to the current request are summarized and addressed below under *Urban Growth Management Functional Plan*.

#### **Urban Growth Management Functional Plan**

**Title 1 Housing Capacity.** *This title calls for compact urban form and a "fair-share" approach to meeting the regional housing needs. It is accomplished by requiring each city and county to maintain or increase its housing capacity. This requirement is generally implemented through city-wide analysis based on calculated capacities from land use designations.*

**Findings:** The requested amendment changes the housing capacity of the site. The Comprehensive Plan designation of Low Density Multi-Dwelling and the implementing zone of Residential 2,000 (R2) allows a maximum of three dwelling units on this site. The proposed Comprehensive Plan designation of Neighborhood Commercial 1 (CN1) allows housing, but does not require housing. Therefore, there is no guarantee of housing in the proposed zone.

To address the issue of lost housing capacity, the applicant has identified a site that is located within the EX zone as a housing mitigation site. The St. Francis Park Apartments, located at 1177 SE Stark, has 106 units in the EX zone where housing is not required.

Because this project was for affordable housing, covenants were recorded that ensure that the residential use remains for an extended period of time. A copy of those covenants is included as Exhibit A.15. The applicant's research shows that in Portland, increases in housing capacity occur in non-residential zones as well as in zones where residential development is required. Therefore, the loss of housing capacity on this site to non-residential development does not preclude maintaining or increasing housing capacity within the City.

***Title 3 Water Quality and Flood Management.*** *This title protects the beneficial water uses, functions, and values of resources by limiting or mitigating the impact of development activities on these areas.*

**Findings:** Compliance with this title is achieved in this area through the review of future development against the current Stormwater Manual regulations at the time of building permit review. An infiltration test was performed on the site which resulted in infiltration rates exceeding the minimum infiltration requirements of BES. See submitted infiltration report (Exhibit A.6). Because infiltration has been found to be feasible on-site, this title is met.

***Title 6 Centers, Corridors, Station Communities and Main Streets.*** *The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principle centers of urban life in the region. This title calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designate a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.*

**Findings:** The site is located adjacent to a small grouping of commercial properties. The site is not a Center, Corridor, Main Street or Station Community. Southeast Belmont Street is classified as a Neighborhood Collector. There is transit service on

SE Belmont and on SE 60<sup>th</sup>. The proposal does not involve an investment by a city or county.

***Title 7 Housing Choice.*** *This title calls for the establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress toward increasing the supply of affordable housing.*

**Findings:** This proposal decreases the likelihood that affordable housing would be developed at the site by applying the Neighborhood Commercial 1 (CN1) Comprehensive Plan Map and Zoning Map designations. However, the zone change does not preclude housing on the site in the future, as housing is an allowed use in the CN1 zone.

The City of Portland recently adopted inclusionary housing requirements for all residential buildings 20 units or greater. These requirements went into effect on February 1, 2017. There are no impacts in the current proposal with regards to this title seeking voluntary affordable housing production goals.

***Title 8 Compliance Procedures.*** *This title outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.*

**Findings:** The proposal meets this title by fulfilling the notice requirements for Type III land use reviews, as outlined in Portland Zoning Code, section 33.730, Quasi-Judicial Procedures. In addition to notifying the affected neighborhood associations and property owners within a 400-foot radius of the site, a Notice of Proposal has also been sent to Metro and to the Department of Land Conservation and Development.

The applicant voluntarily attended the Mount Tabor Neighborhood Association meetings on July 20, 2016; August 17, 2016; and November 16, 2016. The applicant spoke at each of these meetings about the proposal. At the July meeting, the applicant presented the project and the Association was in support, but wanted more information. At the August meeting, the applicant received the Association's signed letter of support (Exhibit A.3). The November meeting was an update on the project's progress and the Association reaffirmed their support.

***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 services.*

**Findings:** The proposed Comprehensive Plan Map and Zoning Map designations will allow a neighborhood business to be located adjacent to existing neighborhood

businesses. There will not be negative impacts to air and water pollution, nor noise and crime as a result of this change given the limited type of uses allowed by the corresponding zone, and through requirements of the Stormwater Management Manual that must be met at the time of building permit review. There will continue to be adequate levels of public services as demonstrated by the responses received by the service bureaus (Exhibits E.1-E.7). The property is further separated from residential properties by a public right-of-way, SE Belmont Street, and SE 59<sup>th</sup> Avenue, the private street to the west and north (along part of the site). Issues with regards to mitigating for the lost housing potential at the site are addressed separately under criterion 33.810.050.A.3 later in this document. Any future development on the site will be reviewed for compliance with applicable City and State regulations. Therefore, the proposal is consistent with this title.

***Title 13 Nature in Neighborhoods*** *The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.*

**Findings:** The site is not designated with either Environmental Conservation or Environmental Protection Overlay Zones and therefore has not been identified as having any particular resource value. Any future development will be required to meet all of the applicable Stormwater Management Manual requirements, thus ensuring that water pollution is reduced and water quality is improved prior to release into the overall stormwater system. Therefore, the proposal is consistent with this title.

***Title 14 Urban Growth Boundary*** *This title prescribes criteria and procedures for amendments to the urban growth boundary.*

**Findings:** This site is already located within the Urban Growth Boundary.

In summary, the proposal will be supportive of the relevant titles or these titles will be met through compliance with other applicable City regulations. Therefore, this request is equally or more supportive of the regional planning framework, and this Goal (Goal 1: Metropolitan Coordination) is met.

**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 proposal is consistent with the following applicable policies: Policy 2.1, Population Growth; Policy 2.2, Urban Diversity; Policy 2.9, Residential Neighborhoods; Policy 2.11, Commercial Centers; Policy 2.12, Transit Corridors; Policy 2.13, Auto-

Oriented Commercial Development; Policy 2.16, Strip Development; Policy 2.19, Infill and Redevelopment; Policy 2.21, Existing Housing Stock; Policy 2.22, Mixed Use; and Policy 2.23, Buffering. Because of the proposal's consistency with these policies, the proposal, on balance, is equally supportive of Goal 2, Urban Development, of the Comprehensive Plan. A detailed analysis of the applicable policies follows below.

***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 2000.*

**Findings:** The requested Comprehensive Plan Map and Zoning Map Amendment will reduce housing potential at the site by three units, but that loss will be fully mitigated as required by the Comprehensive Plan Map Amendment approval criteria (see findings for 33.810.050.A.3, below). With this mitigation, there are no impacts with regard to this policy.

***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 proposal changes the Comprehensive Plan Map and Zoning Map designations of the site from residential to commercial. This allows the site to be used for employment opportunities allowed in a neighborhood commercial zone, while still allowing residential development on the site.

***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 changes the Comprehensive Plan Map and Zoning Map designations of the site from residential to commercial. Housing is an allowed use in the Neighborhood Commercial 1 (CN1) zone, and there are no restrictions on housing types. The three units allowed by the existing R2 zoning will be mitigated for as required by the Comprehensive Plan Map Amendment approval criteria (33.810.050.A.3). There are no impacts with regards to this policy.

***Policy 2.11 Commercial Centers***

*Expand the role of major established commercial centers which are well served by transit. Strengthen these centers with retail, office, service and labor-intensive industrial activities which are compatible with the surrounding area. Encourage the retention of existing medium and high density apartment zoning adjacent to these centers.*

**Findings:** While the area at SE 60<sup>th</sup> and Belmont is not a major commercial center, it is a neighborhood commercial center with access to frequent transit service. Provision of this additional commercial lot will support this policy by expanding the commercial uses. Furthermore, the commercial designation is supportive of the Mount Tabor Neighborhood Association's desire to increase commercial services for residents (Exhibit A.3). While the subject site is zoned for multi-dwelling, the Comprehensive Plan Map designation is Low-Density Multi-Dwelling Residential, and therefore does not impact medium- or high-density apartment zoning.

***Policy 2.12 Transit Corridors***

*Provide a mixture of activities along major transit routes [including] 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:** Southeast Belmont is classified as a Major Transit Priority Street in the Transportation System Plan. Changing the Comprehensive Plan Map designation on this site from residential to commercial will encourage development of commercial uses that are compatible with the surrounding area. The mixture of commercial uses allowed under the proposed designation is also supportive of this policy.

***Policy 2.13 Auto-Oriented Commercial Development***

*Allow auto-oriented commercial development to locate on streets designated as Major City Traffic Streets by the Transportation Element. Also allow neighborhood level auto-oriented commercial development to locate on District Collector Streets or Neighborhood Collector Streets near neighborhood areas where allowed densities will not support development oriented to transit or pedestrians. Where neighborhood commercial uses are located on designated transit streets, support pedestrian movement and the use of transit by locating buildings and their entrances conveniently to transit users, pedestrians, and bicyclists and providing on-site pedestrian circulation to adjacent streets and development.*

**Findings:** Southeast Belmont is classified as a Neighborhood Collector Street in the Transportation System Plan. The proposed Neighborhood Commercial Comprehensive Plan Map designation will allow development that is accessed by autos as well as transit users and pedestrians.

***Policy 2.16 Strip Development***

*Discourage the development of new strip commercial areas and focus future activity*

*in such areas to create a more clustered pattern of commercial development.*

**Findings:** The proposal is to change the Comprehensive Plan Map designation on this 6,468-square-foot site to commercial. This will result in a clustered pattern of commercial development around the intersection of SE 60<sup>th</sup> Avenue and SE Belmont Street. Parking is not required on this site due to proximity to transit, and given the small size of the site, providing parking would significantly reduce the area available for commercial uses. Per Table 266-3, Chapter 33.266 of the Portland Zoning Code, "Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District." In this case, the maximum transit street setback is 10 feet and no vehicle areas will be allowed within that setback area, thus limiting vehicle location and ensuring that a strip mall-type of development will not be created.

***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 proposal changes the Comprehensive Plan Map and Zoning Map designations of the site from residential to commercial, which will allow for a broader array of development types and uses than the current designation. This will allow more efficient use of the property and mixed-use redevelopment of the site. Providing neighborhood commercial uses is a benefit to residents within the neighborhood and is an efficient use of under-utilized lots.

***Policy 2.21 Existing Housing Stock***

*Provide for full utilization of larger single-family homes with conditions that preserve the character of the neighborhood and prevent speculation.*

**Findings:** The existing house is not large at approximately 1,380 square feet. It will be removed for future redevelopment of the site. As a modest single-dwelling residence on a multi-dwelling-zoned property that could accommodate three living units, the existing house is at risk for redevelopment even under the current Comprehensive Plan Map designation. The current Household Living use is an allowed use under the proposed designation. Construction of a commercial structure on the site, adjacent to existing commercial structures on SE Belmont, will continue to preserve the character of the commercial node in this neighborhood.

***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 proposal changes the Comprehensive Plan Map and Zoning Map designations of the site from residential to commercial. The corner of SE Belmont and SE 60<sup>th</sup> is a burgeoning neighborhood commercial node with older commercial buildings, some of which have been redeveloped in recent years. While a large gravel lot remains undeveloped on the east side of SE 60<sup>th</sup>, the buildings on the west side of SE Belmont provide services for the local community (primarily health-related services). This requested Comprehensive Plan Map designation continues the abutting pattern of commercial development and reinforces the existing node of commercial/residential development at the intersection of SE 60<sup>th</sup> and SE Belmont.

***Policy 2.23 Buffering***

*When residential zoned lands are changed to commercial, employment, or industrial zones, ensure that impacts from nonresidential uses on residential areas are mitigated through the use of buffering and access limitations. Where R-zoned lands have a C, E, or I designation, and the designation includes a future Buffer overlay zone, zone changes will be granted only for the purpose of expanding the site of an abutting nonresidential use.*

**Findings:** The proposal changes the Comprehensive Plan Map and Zoning Map designations of the site from residential to commercial. Setback requirements for the commercial development from the residentially-zoned site to the north will ensure that that residential development is effectively buffered from the proposed commercial development. Furthermore, to the north and west, where adjacent properties are zoned residential, there is a 25-foot wide private street, effectively providing an additional buffer for the residential development from the proposed commercial site. There is not a future buffer overlay zone proposed.

**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 proposal is equally or more supportive of the following applicable policies: Policy 3.5, Neighborhood Involvement. Because the proposal's consistency with this policy, the proposal, on balance, is supportive of Goal 3, Neighborhoods, of the Comprehensive Plan.

***Policy 3.5 Neighborhood Involvement***

*Provide for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood through the promotion of neighborhood and business associations. Provide information to neighborhood and business associations which allows them to monitor the impact of the Comprehensive Plan and to report their findings annually to the Planning and Sustainability Commission.*

**Findings:** The proposal is consistent with Policy 3.5, Neighborhood Involvement. The applicant has engaged the Mount Tabor Neighborhood Association in several discussions concerning the redevelopment of the site for a neighborhood-serving business. The applicant has voluntarily attended the Mount Tabor Neighborhood Association meetings on July 20, 2016; August 17, 2016; and November 16, 2016. The applicant spoke at each of these meetings about the proposal. At the July meeting, the applicant presented the project and the Association was in support, but wanted more information. At the August meeting, the applicant received the Association's signed letter of support (Exhibit A.3). The November meeting was an update on the project's progress and the Association reaffirmed their support. Furthermore, area property owners and ONI-recognized organizations were notified of the opportunity to comment on the proposal through mailed notices and placing a posting notice on the site.

***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.*

**Findings:** No plans have been adopted for this neighborhood or area. This policy is not applicable.

**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 proposal is consistent with Policy 4.2, Maintain Housing Potential; and Policy 4.5 Housing Conservation. Because of the proposal's consistency with these policies, the proposal, on balance, is equally supportive of Goal 4, Housing, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

***Policy 4.2 Maintain Housing Potential***

*Retain housing potential by requiring no net loss of land reserved for, or committed to, residential, or mixed-use. When considering requests for amendments to the Comprehensive Plan map, require that any loss of potential housing units be*

*replaced.*

**Objectives:**

- A.** *Allow the replacement of housing potential to be accomplished by such means as: 1) rezoning (and redesignating) existing commercial, employment, or industrial land to residential; 2) rezoning (and redesignating) lower density residential land to higher density residential land; and 3) rezoning to the CM zone; or 4) building residential units on the site or in a commercial or employment zone if there is a long term guarantee that housing will remain on the site.*

**Findings:** As noted above under the Housing Capacity finding for the Urban Growth Management Functional Plan, the applicant satisfies the 3-unit housing replacement requirement by identifying a mitigation site. The applicant has reached an agreement with a property located within the EX zone to designate three housing units as mitigation for the loss of housing units on the subject site (Exhibit A.13). The mitigation site is known as the St. Francis Park Apartments and is located at 1177 SE Stark Street. The St. Francis Park Apartments consists of 106 residential units of affordable housing. This site recorded covenants guaranteeing that the housing will remain affordable over a period of 60 years (Exhibit A.15). This 60-year period significantly exceeds the long-term (25-year period) required by the Portland Zoning Code.

The applicant's research shows that in Portland, increases in housing capacity occur in non-residential zones as well as in zones where residential development is required. Therefore, the loss of housing capacity on this site to non-residential development does not preclude maintaining or increasing housing capacity within the City.

Since the St. Francis Park Apartments project is for "affordable housing," the units have been built using State and Federal tax credits, many of which typically require a covenant to guarantee the housing will be retained for use by low-income households for 60 years; these covenants "run with the land" and, thus, are recorded as a restrictive covenant against the property's deed at Multnomah County. The 60-year requirement significantly exceeds the 25-year covenant required to obtain credit for the "no net housing loss" requirement. This policy is met.

Furthermore, residential uses are allowed in the corresponding CN1 zone, so the change in zoning doesn't preclude residential uses. Therefore, the loss of housing capacity on this site to non-residential development does not preclude maintaining or increasing housing capacity within the City.

**GOAL 5 Economic Development**

*This goal seeks to foster a strong and diverse economy that provides a full range of employment and economic choices.*

**Findings:** The proposal is consistent with Policy 5.1 Urban Development and Revitalization; and Policy 5.2 Business Development. Because the proposal's consistency with these policies, the proposal, on balance, is supportive of Goal 5, Economic Development of the Comprehensive Plan. A detailed analysis of the applicable polices follows, below.

***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.*

**Findings:** The proposed Comprehensive Plan Map and Zoning Map Amendments and subsequent redevelopment of the site for a neighborhood commercial use is consistent with Economic Development policy.

***Policy 5.2 Business Development***

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

**Findings:** The ultimate purpose of this zone change is to allow new construction of a dental office. The owner currently has an existing dental office two buildings down and proposes to build a new building to contain a larger dental office. This proposal supports this policy by allowing an existing neighborhood business to expand in the same area. The corresponding CN1 zone also allows a variety of other neighborhood-serving commercial uses.

**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:** PBOT has reviewed the proposal for its potential impacts regarding the public right-of-way, traffic impacts, and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. PBOT staff concurs with the applicant's findings. Because of the proposal's consistency with these policies, the proposal on balance is equally supportive of Goal 6, Transportation, of the Comprehensive Plan. The following findings are taken directly from the PBOT response, contained in the record as Exhibit E.2:

***“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.*

***“Policy 6.3 Transportation Education 2***

*Implement educational program that support a range of transportation choices and emphasize safety for all modes of travel.*

***“Policy 6.4 Classification Descriptions***

*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.*

***“Policy 6.5 Traffic Classification Descriptions***

*Maintain a system of traffic streets that support the movement of motor vehicles for regional, interregional, interdistrict, and local trips as shown. For each type of traffic classification, the majority of motor vehicle trips on a street should conform to its classification description.*

**“Findings:** The major street abutting the site, SE Belmont Street, is classified as a Neighborhood Collector, Major Transit Priority Street, City Bikeway, City Walkway, Local Service Truck Street, and Major Emergency Response Route. See Specific compliance below.

***“Objectives:***

***E. Neighborhood Collectors***

*Neighborhood Collectors are intended to serve as distributors of traffic from Major City Traffic Streets or District Collectors to Local Service Streets and to serve trips that both start and end within areas bounded by Major City Traffic Streets and District Collectors.*

**“Findings:** Because SE Belmont is classified as a Neighborhood Collector, compliance with the following applicable policies is

demonstrated, as adapted to the proposed quasi-judicial Comprehensive Plan/Zone Map request.

- *Land Use/Development. Neighborhood Collectors should connect neighborhoods to nearby centers, corridors, station communities, main streets, and other nearby destinations. New land uses and major expansions of land uses that attract a significant volume of traffic from outside the neighborhood should be discouraged from locating on Neighborhood Collectors.*

**“Findings:** The proposed new neighborhood commercial use will not be a regional traffic attractor. The proposed zoning of Neighborhood Commercial 1 (CN1) is called “Neighborhood Commercial” because it allows neighborhood-serving uses.

- *Connections. Neighborhood Collectors should connect to Major City Traffic Streets, District Collectors, and other Neighborhood Collectors, as well as to Local Service Streets.*

**“Findings:** Southeast Belmont Street meets this requirement as it connects to the Major City Traffic Streets of SE 11<sup>th</sup>, SE 12<sup>th</sup> and SE Caesar Chavez Avenues; the Neighborhood Collector streets of SE 20<sup>th</sup>, SE 30<sup>th</sup> and SE 60<sup>th</sup> Avenues; as well as to multiple Local Service Streets.

- *Function. The design of Neighborhood Collectors may vary over their length as the land use character changes from primarily commercial to primarily residential. Some Neighborhood Collectors may have a regional function, either alone or in concert with other nearby parallel collectors. All Neighborhood Collectors should be designed to operate as neighborhood streets rather than as regional arterials.*

**“Findings:** The uses on SE Belmont Street vary over the length of SE Belmont. In the nearby vicinity of the site, residential uses exist to the west and a small commercial node abuts to the east. Southeast Belmont functions as a neighborhood street.

- *On-Street Parking. The removal of on-street parking and right-of-way acquisition should be discouraged on Neighborhood Collectors.*

**“Findings:** No right-of-way acquisition is proposed as part of this proposal. No on-site parking is required for this site because it is located within 500 feet of a transit street with frequent transit service. If parking is not proposed on the site, the existing 64 feet of frontage will be maintained for on-street parking. If parking is proposed on the site, approximately 20 feet will be used for the driveway access, preserving 44 feet for on-street parking.

***“Policy 6.6 Transit Classification Descriptions***

*Maintain a system of transit streets that supports the movement of transit vehicles for regional, interregional, interdistrict, and local trips.*

**“Findings:** Southeast Belmont Street is classified as a Major Transit Priority Street. Compliance with the following policies is demonstrated, as applicable to the proposed Comprehensive Plan and Zone Map Amendment request.

***“B. Major Transit Priority Streets***

*Major Transit Priority Streets are intended to provide for high-quality transit service that connects the Central City and other regional and town centers and main streets.*

**“Findings:** Southeast Belmont Street is classified as a Major Transit Priority Street. Compliance with the following policies is demonstrated, as applicable to the proposed Comprehensive Plan and Zone Map Amendment request.

- *Land Use. Transit-oriented land uses should be encouraged to locate along Major Transit Priority Streets, especially in centers. Discourage auto-oriented development from locating on a Major Transit Priority Street, except where the street is outside the Central City, regional or town center, station community, or main street and is also classified as a Major City Traffic Street. Support land use densities that vary directly with the existing and planned capacity of transit service.*

**“Findings:** The proposed zone, Neighborhood Commercial 1, allows for small-scale retail and service uses. These uses are transit-oriented.

- *Access to Transit. Provide safe and convenient access for pedestrians and bicyclists to, across, and along Major Transit Priority Streets.*

**“Findings:** The Office of Transportation has noted that the site’s existing frontage is improved with a 4-foot planter and 6-foot sidewalk. The existing sidewalk provides safe and convenient access for pedestrians. There is a signal at the corner of SE 60<sup>th</sup> Avenue that provides a safe crossing of SE Belmont street.

- *Improvements. Employ transit-preferential measures, such as signal priority and bypass lanes. Where compatible with adjacent land use designations, right-of-way acquisition or parking removal may occur to accommodate transit-preferential measures or improve access to transit. The use of access management should be considered where needed to reduce conflicts between transit vehicles and other vehicles.*

**“Findings:** There is adequate signalization at the corner of SE 60<sup>th</sup> & Belmont. There is not adequate right-of-way to provide for bypass lanes. Given that this site has only 64 feet of frontage, ability to impact transit-preferential measures is limited.

- *Transfer Points. Provide safe and convenient transfer points with covered waiting areas, transit route information, benches, trash receptacles, enhanced signing, lighting, and telephones. Limited transit service should stop at transfer points and activity centers along Major Transit Priority Streets.*

**“Findings:** There are existing transit stops on SE Belmont for buses heading westbound at the corners of SE 58<sup>th</sup> Avenue and SE 60<sup>th</sup> Street. The stop at SE 60<sup>th</sup> Avenue has a covered shelter. Neither of these sites are directly adjacent to the site, but both are within 300 feet of the site. Across SE Belmont, for buses heading eastbound, there are stops also at SE 58<sup>th</sup> Avenue and SE 60<sup>th</sup> Avenue. The stop at SE 60<sup>th</sup> Avenue has a covered shelter. There is a signalized intersection at SE 60<sup>th</sup> Avenue which provides safe access to the transfer stops.

- *Bus Stops. Locate bus stops to provide convenient access to neighborhoods and commercial centers. Stops should be located relatively close together in high-density and medium-density areas, including regional and town centers and along most main streets, and relatively farther apart in lower-density areas. Passenger amenities should include shelters and route information.*

**“Findings:** There are existing transit stops on SE Belmont for buses heading westbound at the corners of SE 58<sup>th</sup> Avenue and SE 60<sup>th</sup> Street. Across SE Belmont, for buses heading eastbound, there are stops also at SE 58<sup>th</sup> Avenue and SE 60<sup>th</sup> Avenue. The stop at SE 60<sup>th</sup> Avenue has a covered shelter. All of these stops are within 300 feet of the site.

**“Policy 6.7 Bicycle Classification Descriptions**

*Maintain a system of bikeways to serve all bicycle users and all types of bicycle trips.*

**“Objectives:**

**A. City Bikeways**

*City Bikeways are intended to serve the Central City, regional and town centers, station communities, and other employment, commercial, institutional, and recreational destinations.*

**“Findings:** The site is located on SE Belmont which is classified as a City Bikeway. Compliance with the following policies is demonstrated, as applicable to the proposed Comprehensive Plan and Zone Map Amendment request.

- *Land Use. Auto-oriented land uses should be discouraged from locating on City Bikeways that are not also classified as Major City Traffic Streets.*

**“Findings:** Proposed zoning is Neighborhood Commercial 1, which does not encourage auto-oriented land uses. Given that the site is located within 500 feet of a transit street with frequent service, no parking will be required on the site.

- *Design. Consider the following factors in determining the appropriate design treatment for City Bikeways: traffic volume, speed of motor vehicles, and street width. Minimize conflicts where City Bikeways cross other streets.*

**“Findings:** There is no designated bike lane on SE Belmont. Given the limited street frontage of 64 feet and the existing right-of-way configuration of 36 feet of paving in a 60 foot right-of-way, it is not possible at this time to provide a designated bikeway.

- *Improvements. Consider the following possible design treatments for City Bikeways: bicycle lanes, wider travel lanes,*

*wide shoulders on partially improved roadways, bicycle boulevards, and signage for local street connections.*

**“Findings:** There is no designated bike lane on SE Belmont. Given the limited street frontage of 64 feet and the existing right-of-way configuration of 36 feet of paving in a 60 foot right-of-way, it is not possible at this time to provide a designated bikeway.

- *On-Street Parking. On-street motor vehicle parking may be removed on City Bikeways to provide bicycle lanes, except where parking is determined to be essential to serve adjacent land uses, and feasible options are not available to provide the parking on-site.*

**“Findings:** There is no designated bike lane on SE Belmont. Given the limited street frontage of 64 feet and the existing right-of-way configuration of 36 feet of paving in a 60 foot right-of-way, it is not possible at this time to provide a designated bikeway.

- *Bicycle Parking. Destinations along City Bikeways should have long-term and/or short-term bicycle parking to meet the needs of bicyclists.*

**“Findings:** Bicycle parking will be required and provided at the time that development is proposed for the site.

- *Traffic Calming. When bicycle lanes are not feasible, traffic calming, bicycle boulevards, or similar techniques will be considered to allow bicyclists to share travel lanes safely with motorized traffic.*

**“Findings:** There is no designated bike lane on SE Belmont. Given the limited street frontage of 64 feet and the existing right-of-way configuration of 36 feet of paving in a 60 foot right-of-way, it is not possible at this time to provide a designated bikeway. Other traffic calming tools would be looked at as a larger project to look comprehensively at SE Belmont Street.

***“Policy 6.8 Pedestrian Classification Descriptions***

*Maintain a system of pedestrianways to serve all types of pedestrian trips, particularly those with a transportation function.*

**“Findings:** The site is located on SE Belmont which is classified as a City Walkway. Compliance with the following policies is demonstrated, as applicable to the proposed Comprehensive Plan and Zone Map Amendment request.

**“Objectives:**

**C. City Walkways**

*City Walkways are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions; provide connections between neighborhoods; and provide access to transit.*

- *Land Use. City Walkways should serve areas with dense zoning, commercial areas, and major destinations. Where auto-oriented land uses are allowed on City Walkways, site development standards should address the needs of pedestrians for access.*

**“Findings:** There is an existing 6-foot sidewalk and four-foot planter strip creating a pedestrian corridor along the frontage of the site. At the time of development of the site, Portland Zoning Code site development standards will be implemented. These standards require pedestrian circulation systems on site.

- *Improvements. Use the Pedestrian Design Guide to design City Walkways. Consider special design treatment for City Walkways that are also designated as Regional or Community Main Streets.*

**“Findings:** The site has only 64 feet of frontage. There is an existing 6-foot sidewalk and four-foot planter strip creating a pedestrian corridor along the frontage of the site. Any special design treatment proposed would be done through a larger project encompassing adjacent properties.

**“Policy 6.9 Freight Classification Descriptions 5 6**

*Designate a system of truck streets, railroad lines, and intermodal freight facilities that support local, national, and international distribution of goods and services.*

**“Findings:** This policy does not apply.

***“Policy 6.10 Emergency Response Classification Descriptions***

*Emergency Response Streets are intended to provide a network of streets to facilitate prompt emergency response.*

**“Findings:** The site is located on SE Belmont which is classified as a Major Emergency Response Route. Compliance with the following objectives is demonstrated, as applicable to the proposed Comprehensive Plan and Zone Map Amendment request.

***“Objectives:***

***A. Major Emergency Response Streets***

*Major Emergency Response Streets are intended to serve primarily the longer, most direct legs of emergency response trips.*

- *Improvements. Design treatments on Major Emergency Response Streets should enhance mobility for emergency response vehicles by employing preferential or priority treatments.*

**“Findings:** The site is located on SE Belmont Street which currently has 36 feet of paving within a 60 foot right-of-way. There is not opportunity with the current proposal to employ preferential or priority treatments for emergency responders given the existing limited right-of-way width.

- *Traffic Slowing. Major Emergency Response Routes are not eligible for traffic slowing devices in the future. Existing traffic slowing devices may remain and be replaced if necessary.*

**“Findings:** No traffic slowing devices are proposed.

***“Policy 6.11 Street Design Classification Descriptions***

*Street Design Classification Descriptions identify the preferred modal emphasis and design treatments for regionally significant streets and special design treatments for locally significant streets.*

**“Findings:** The site is located on SE Belmont Street which currently has 36 feet of paving within a 60 foot right-of-way. There is not opportunity with the current proposal to change the components of the right-of-way.

***“Transportation Function Policies:***

***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 is located on SE Belmont which is classified as a Neighborhood Collector. Allowed development under the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment will continue to support the use of the street as a Neighborhood Collector.

***“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:** Southeast Belmont Street is classified as a Neighborhood Collector. This street is also a Major Emergency Response Street. No traffic calming measures are proposed for this site.

***“Policy 6.14 Emergency Response***

*Provide a network of emergency response streets that facilitates prompt response to emergencies.*

***“Objectives:***

- A.*** *Use the emergency response classification system to determine whether traffic-slowing devices can be employed.*
- B.*** *Use the emergency response classification system to guide the routing of emergency response vehicles.*
- C.*** *Use the emergency response classification system to help site future fire stations.*

**“Findings:** Southeast Belmont Street is classified as a Major Emergency Response Street. No traffic slowing devices are proposed as part of this application.

***“Policy 6.15 Transportation System Management 8 9***

*Give preference to transportation improvements that use existing roadway capacity efficiently and improve the safety of the system.*

**“Findings:** No transportation improvements are required or proposed. This policy does not apply.

***“Policy 6.16 Access Management***

*Promote an efficient and safe street system and provide adequate accessibility to planned land uses.*

**“Findings:** This policy is not applicable.

***“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:** The proposed development will be consistent with any transportation plans.

***“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.*

**“Findings:** The proposed zone change from multidwelling residential (R2) to Neighborhood Commercial (CN1) will not have significant impacts to transportation facilities.

***“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 site is located on SE Belmont which is classified as a Major Transit Priority Street. Compliance with the following objectives is demonstrated, as applicable to the proposed Comprehensive Plan and Zone Map Amendment request.

**“Objectives:**

**A.** *Consider the existing or planned availability of high-quality transit service when adopting more intensive residential, commercial, and employment designations.*

**“Findings:** The proposed commercial zone is more intensive than the existing residential zone. The site is located on SE Belmont which has frequent transit services. The more intensive commercial designation proposed will have access to this frequent transit service.

*“B. Focus medium-density and high-density development, including institutions, in transit-oriented developments along transit lines.*

**“Findings:** No development is proposed at this time. However, this site is located on a transit street and maximum development of the proposed Neighborhood Commercial 1 zone would be consistent with this policy.

*“C. Require commercial and multifamily development to orient to and provide pedestrian and bicycle connections to transit streets and, for major developments, provide transit facilities on a site or adjacent to a transit stop.*

**“Findings:** The site is located on SE Belmont, a transit street. Any future development will be required to orient to SE Belmont via the Portland Zoning Code development standards.

*“D. Examine the benefits of limiting drive-through facilities in existing or planned areas of high intensity development and high levels of pedestrian, bicycle, and transit activity when planning studies are being done for these areas.*

**“Findings:** Drive-through facilities are prohibited in the proposed Neighborhood Commercial CN1 zone

**“Policy 6.20 Connectivity 10**

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

**“Objectives:**

- A.** *Provide interconnected local and collector streets to serve new and redeveloping areas and to ensure safe, efficient, and convenient pedestrian, bicycle, and vehicle access with preference for public streets over private streets.*
- B.** *Create short blocks through development of frequent street connections in mixed-use areas of planned high-density development.*

- C. Provide convenient and safe bicycle and pedestrian connections to transit routes, schools, and parks, as well as within and between new and existing residential developments, employment areas, and other activity centers where street connections are not feasible.*
- D. Use large-scale Green Streets as a means of connecting neighborhoods, using the right-of-way efficiently, and enhancing neighborhood livability.*

**“Findings:** The surrounding neighborhood has a complete system of streets to serve the commercial and residential development. This objective does not apply as there is not opportunity with this proposal to provide additional streets.

***“Policy 6.21 Right-of-Way Opportunities 11***

*Preserve existing rights-of-way unless there is no existing or future need for them, established street patterns will not be significantly interrupted, and the functional purposes of nearby streets will be maintained.*

**“Findings:** No changes are proposed to the existing right-of-way.

***“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.*

**“Findings:** There is not opportunity to provide additional connections to the pedestrian network with this proposal.

***“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:** There is no opportunity to change the bicycle network with this proposal.

***“Policy 6.24 Public Transportation***

*Develop a public transportation system that conveniently serves City residents and workers 24 hours a day, seven days a week and can become the preferred form of travel to major destinations, including*

*the Central City, regional and town centers, main streets, and station communities.*

**“Findings:** This does not apply.

**“Parking and Demand Management Policies:**

**Policy 6.25 Parking Management**

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

**“Objectives:**

- A. Implement measures to achieve Portland’s share of the mandated 10 percent reduction in parking spaces per capita within the metropolitan area over the next 20 years.*
- B. Consider transportation capacity and parking demand for all motor vehicles in the regulation of the parking supply.*
- C. Develop parking management programs and strategies that improve air quality, reduce congestion, promote alternatives to the drive-alone commute, and educate and involve businesses and neighborhoods.*

**“Findings:** The site is located within 500 feet of a transit street with frequent transit service during peak hours, thus on-site parking is not required.

**“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.*

**“Findings:** This policy is not applicable.

**“Policy 6.27 Off-Street Parking**

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

**“Objectives:**

- A. Consider 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.*
- B. Encourage the redevelopment of surface parking lots into transit-supportive uses or development or to include facilities*

*for alternatives to the automobile.*

- C. Limit the development of new parking spaces to achieve land use, transportation, and environmental objectives.*

**“Findings:** The site is located within 500 feet of a transit street with frequent transit service during peak hours, therefore on-site parking is not required. If parking were to be provided, the Portland Zoning Code development standards would limit location and percentages of paving.

***“[PBOT concluded Policies 6.28-6.37 are not applicable.]***

***“Policy 6.38 Southeast Transportation District 33 34***

*Reduce travel demand and reliance on the automobile in Southeast Portland to protect residential areas and industrial sanctuaries from non-local traffic, while maintaining access to established commercial areas.*

**“Findings:** The site is located in Southeast Portland. Compliance with the following objectives is demonstrated, as applicable to the proposed Comprehensive Plan and Zone Map Amendment request.

***“Objectives:***

*C. Operate Neighborhood Collectors in Southeast Portland to function primarily as circulation for district traffic rather than as regional streets, even where they carry a significant amount of regional traffic.*

**“Findings:** The proposed zone change will not have a negative impact on the types of traffic on SE Belmont, a Neighborhood Collector. The proposed zoning is Neighborhood Commercial 1, which allows small retail and service uses. These uses will not impact regional traffic. Applicable objectives are addressed below.

***“D. Facilitate pedestrian access and safety in Southeast Portland by improving connections to the Willamette River; adding connections between neighborhoods and parks, institutions, and commercial areas; and enhancing pedestrian crossings with curb extensions and improved markings.***

**“Findings:** There is a complete network of sidewalks and pedestrian connections within this developed inner Southeast neighborhood.

***“E. Improve access and safety for bicycles through the development of***

*more inner Southeast east/west bike routes and the provision of bicycle facilities across bridges and to a variety of destinations, including downtown, the river, and parks.*

**“Findings:** There are no bike lanes currently on SE Belmont. The site has limited frontage (64 feet) on SE Belmont, and construction of bike lanes is not feasible given this limited frontage.

**“N.** *Support the livability of Southeast neighborhoods by improving the efficiency of parking and loading in commercial areas and by reducing commuter parking in residential areas.*

**“Findings:** Currently to the east of the subject site, along SE Belmont, parking is limited to 30 minutes and 2 hours to ensure that there is adequate parking for existing businesses. This makes parking more efficient.

**“[PBOT concluded Policies 6.39-6.43 are not applicable.]”**

As evidenced above, the proposed Comprehensive Plan Map Amendment satisfies all applicable transportation-related goals and policies (Goal 6, Policies 6.1 through 6.43) of the Comprehensive Plan. PBOT has no objections to the requested Comprehensive Plan Map Amendment.

### **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.*

#### **Policy 7.4 Energy Efficiency through Land Use Regulations**

*The City shall promote residential, commercial, and industrial energy efficiency and the use of renewable resources.*

**Objective A.** *Promote land use patterns that increase energy efficiency in buildings and transportation systems by making energy efficiency a critical element when developing new zoning regulations and modifying old regulations and the comprehensive map. This objective applies to the following long-range planning efforts:*

*(1) Downtown, regional and neighborhood commercial service centers and central industrial areas with a balance of complementary retail and employment activities. Locate them near major arterials and transit lines.*

**Objective B.** *Promote density, location, and mix of land uses that decrease the length of required daily trips and encourage the consolidation of related trips.*

**Findings:** The subject site is located on SE Belmont Street, which is a Major Transit Priority Street. The proposed Comprehensive Plan Map designation promotes a variety of uses appropriate to providing accessible services to residents arriving both on foot and on transit. The letter of support from the Mount Tabor Neighborhood Association expressed the concern that the area has been increasing in density for a while, but neighborhood-serving commercial areas have not kept pace (Exhibit A.3). From this perspective, providing additional land for neighborhood-serving commercial development, as the proposed Comprehensive Plan Map designation is designed to do, can address this concern and promote a mix of land uses in this commercial node for surrounding residents. The proposal is equally supportive of Goal 7, Energy, of the Comprehensive Plan.

**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 has no impact on any air, water or land resources on the site, nor are there any such resources in proximity to the site. The site is a flat, urban lot without natural resources, drainageways or other values identified in this Goal. Future development will be subject to the City's noise regulations that protect neighborhoods from detrimental noise levels, as well as the City's Stormwater Management Manual. This goal is not applicable to the proposal.

**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.*

**Findings:** While this goal speaks primarily to public involvement in legislative updates to the Comprehensive Plan, the applicant has worked closely with the Mount Tabor Neighborhood Association on the overall project. Standard notification requirements for this Type III land use review process were also followed, including notification of nearby neighbors, organizations, and City agencies. Overall, the proposal is consistent with, and supportive of, Policy 9.1, Citizen Involvement Coordination; and Policy 9.3, Comprehensive Plan Map Amendment. Because of the proposal's consistency with these policies, the proposal, on balance, is equally supportive of Goal 9, Citizen Involvement, of the Comprehensive Plan.

**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:** The proposal is consistent with Policies 10.4, 10.7, 10.8, and 10.9. Because of the proposal's consistency with these policies, the proposal, on balance, is supportive of Goal 10, Plan Review and Administration, of the Comprehensive Plan. A detailed analysis of the applicable policies follows, below.

***Policy 10.4 Comprehensive Plan Map***

*The Comprehensive Plan Map is the official long-range planning guide for uses and development in the city. The Comprehensive Plan Map uses the designations listed below. The designations state the type of area each is intended for, general uses and development types desired, and the corresponding zone or zones which implement the designation. Comprehensive Plan Map designations are shown on the Official Zoning Maps.*

***(14) Neighborhood Commercial***

*This designation is intended to allow neighborhood-oriented commercial uses in and adjacent to residential areas. In more densely developed neighborhoods, development should be oriented to pedestrians. In less densely developed neighborhoods, development may be more auto-oriented. In both cases, the allowed intensity of development is low to maintain compatibility with the residential areas, and development is oriented to pedestrians, bicycles, and transit where high quality transit service is available. The corresponding zones are Neighborhood Commercial 1 (CN1) and Neighborhood Commercial 2 (CN2).*

**Findings:** The site meets the Neighborhood Commercial definitions as well as the corresponding zone characteristics for the CN1 zone as outlined in the Portland Zoning Code: small lots, pedestrian-oriented and compatible with surrounding residential development. Adjacent properties to the east of the site also have the Neighborhood Commercial 1 (CN1) zoning.

***Policy 10.7 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,*

*Comment:* The analysis and findings in this recommendation demonstrate that the proposed Comprehensive Plan Map Amendment is, on balance, equally supportive of and consistent with the relevant goals and policies of the Comprehensive Plan.

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

Comment: Adjacent properties to the east are currently zoned Neighborhood Commercial 1. Approval of this proposal will result in an additional lot zoned Neighborhood Commercial 1 abutting lots of the same zoning designation. Properties to the west and across SE Belmont Street are zoned low-density multi-dwelling residential (R2). Properties to the north are zoned Single Family 5,000 (R5). Given that the site will abut properties of the same zoning designation of Neighborhood Commercial (CN1), and that uses allowed in the CN1 zone are intended to be neighborhood-serving, the proposal will be compatible with the land use pattern established by the Comprehensive Plan Map.

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

Comment: The State Land Conservation and Development Commission (LCDC) has acknowledged the City's Comprehensive Plan. 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 local issues of neighborhoods. The following city and state goals are similar: City Goal 4 and State Goal 10 (Housing); City Goal 5 and State Goal 9 (Economic Development); City Goal 6 and State Goal 12 (Transportation); City Goal 7 and State Goal 13 (Energy Conservation); City Goal 8 and State Goals 5, 6 and 7 (Environmental Impacts); and City Goal 9 and 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 related to coastal areas (Goals 16-19) do not specifically apply to the City of Portland.

For quasi-judicial plan amendments, compliance with the City's plan goals, as discussed here, show compliance with applicable State goals. The analysis in this recommendation indicates that all of the City goals and policies are supported by the proposal. Consequently, the proposal is consistent with all applicable statewide goals.

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

Comment: As previously discussed in Goal 3 Neighborhoods, the site is not located within the boundaries of an area plan adopted as part of the Comprehensive Plan. This does not apply.

*Policy 10.7 continued...*

*When the requested amendment is from a residential designation to a commercial, employment, or industrial designation, or from the urban commercial designation to another commercial, employment, or industrial designation, the following additional criterion must be met: The requested designation will not result in a net loss of potential housing units. Replacement of potential housing units may be accomplished through any of the following means:*

- a) Rezoning and redesignating existing commercial, employment, or industrial land off site to residential;*
- b) Rezoning and redesignating lower-density residential land off site to higher-density residential land;*
- c) Rezoning on or off site to the CM zone;*
- d) Building residential units on the site or in a commercial or employment zone off site, if there is a long term guarantee that housing will remain on the site;*  
*or*
- e) Any other method that results in no net loss of potential housing units.*

**Findings:** The proposal is to change the Comprehensive Plan Map and Zoning Map from a residential designation (Low density multi-dwelling, R2) to Neighborhood Commercial 1 (CN1). The applicant has provided information that shows that the City as whole is more than exceeding the minimum housing requirements, and in fact, is exceeding these minimums with multiple housing developments in commercial and employment zones where housing is not required. Therefore, the loss of housing capacity on this site to non-residential development does not preclude maintaining or increasing housing capacity within the City.

As noted above under the Housing Capacity finding for the Urban Growth Management Functional Plan, the applicant satisfies the 3-unit housing replacement requirement by identifying a mitigation site. The applicant has reached an agreement with a property located within the EX zone to designate three housing units as mitigation for the loss of housing units on the subject site (Exhibit A.13). The mitigation site is known as the St. Francis Park Apartments and is located at 1177 SE Stark Street. The St. Francis Park Apartments consists of 106 residential units of affordable housing. This site has recorded covenants guaranteeing that the housing will remain affordable over a period of 60 years (Exhibit A.15). This 60-year period significantly exceeds the long-term (25-year period) required by the Portland Zoning Code.

***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 proposed Comprehensive Plan Map Amendment from “Low density Multi-dwelling Residential” to “Neighborhood Commercial” is combined with a Zoning Map Amendment to place the corresponding zone of Neighborhood Commercial 1 (CN1) on the site. The intent and objectives of Policy 10.8 are implemented through this land use review, and are specifically addressed in findings for conformance with the approval criteria for the proposed Zone Map Amendment, 33.855.050, following this section on the proposed Comprehensive Plan Map Amendment. As part of 33.855.050, services are addressed. To the extent that applicable approval criteria of 33.855.050 contained in this recommendation are met, this policy is also met.

***Policy 10.9 Land Use Approval Criteria and Decisions***

*The approval criteria that are stated with a specific land use review reflect the findings that must be made to approve the request. The approval criteria are derived from and are based on the Comprehensive Plan. A proposal that complies with all of the criteria is in conformance with the Comprehensive Plan and will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with the necessary conditions. A proposal that cannot comply with the criteria will be denied.*

**Findings:** The proposed Comprehensive Plan Map Amendment from “Low density Multi-dwelling Residential” to “Neighborhood Commercial” is combined with a Zoning Map Amendment to place the corresponding zone of CN1 on the site. The intent and objectives of Policy 10.9 are implemented through this land use review, and are specifically addressed in findings for conformance with the approval criteria for the proposed Zone Map Amendment, 33.855.050, following this section on the proposed Comprehensive Plan Map Amendment. To the extent that applicable approval criteria of 33.855.050 contained in this recommendation are met, this policy is also met.

**Goal 11. Public Facilities.**

*This goal seeks to provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.*

**Findings:** The majority of policies and objectives under this goal relate to public management of public services and facilities, which is the role of government agencies and not a burden upon individual, site-specific Comprehensive Plan Map Amendment applications. The site abuts existing improved public streets with improved vehicular, pedestrian and mass transit facilities already in place. The specific analysis of adequacy of services for this proposal have been considered under findings for Comprehensive Plan Goal 6 (Transportation) above, as well as the Zoning Map Amendment approval criteria which follow later in this recommendation. By virtue of the location adjacent to existing public facilities which are already in place, the proposal is supportive of Goal 11.

**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.*

***Policy 12.1 Portland's Character***

*Enhance and extend Portland's attractive identity. Build on design elements, features and themes identified with the City. Recognize and extend the use of City themes that establish a basis of a shared identity reinforcing the individual's sense of participation in a larger community.*

**Findings:** The site is located adjacent to an existing commercial node. Changing the Comprehensive Plan Map designation on this site to accommodate additional commercial development will continue the desired commercial-node nature of this intersection.

***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.*

**Findings:** The site is located adjacent to an existing commercial node. Changing the Comprehensive Plan Map designation on this site to accommodate additional commercial development will continue the desired commercial-node nature of this intersection.

***Policy 12.3 Historic Preservation***

*Enhance the City's identity through the protection of Portland's significant historic resources. Preserve and reuse historic artifacts as part of Portland's fabric. Encourage development to sensitively incorporate preservation of historic structures and artifacts.*

**Findings:** This policy does not apply. The existing house to be removed is not an historic resource.

***Policy 12.4 Provide for Pedestrians***

*Portland is experienced most intimately by pedestrians. Recognize that auto, transit and bicycle users are pedestrians at either end of every trip and that Portland's citizens and visitors experience the City as pedestrians. Provide for a pleasant, rich and diverse experience for pedestrians. Ensure that those traveling on foot have comfortable, safe and attractive pathways that connect Portland's neighborhoods, parks, water features, transit facilities, commercial districts, employment centers and attractions.*

**Findings:** The change in the Comprehensive Plan Map designation and ensuing development will continue to provide a positive experience for pedestrians. The development standards of the corresponding CN1 zone will ensure transit-oriented development on the site. There is an existing sidewalk and planter strip adjacent to SE Belmont that will continue to provide passage for pedestrians that is safe and attractive.

**33.810.050.A Approval Criteria *continued***

2. *The requested change is consistent with Statewide Land Use Planning Goals;*

**Findings:** As discussed above, the proposal is consistent with Statewide Land Use Planning Goals.

3. *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. The number of potential housing units lost may not be greater than the potential housing units gained. The method for calculating potential housing units is specified in subparagraph A.3.a, below; potential housing units may be gained as specified in subparagraph A.3.b, below.*

a. *Calculating potential housing units. To calculate potential housing units, the maximum density allowed by the zone is used. In zones where density is regulated by floor area ratios, a standard of 900 square feet per unit is used in the calculation and the maximum floor area ratio is used. Exceptions are:*

*(2) In the R3, R2, and R1 zones, the amenity bonus provisions are not included; and*

**Findings:** The amendment is requested from a Residential Comprehensive Plan Map designation to a Commercial Comprehensive Plan Map designation. The site is 6,468 square feet and is currently located in the R2 zone, which has a maximum housing density of one unit per 2,000 square feet of site area or 3.23 units. Since the fraction is less than .5, density is rounded down to the next whole number, Therefore the maximum density on the site is three units.

- b. *Gaining potential housing units. Potential housing units may be gained through any of the following means:*
- 1) *Rezoning and redesignating land off site from a commercial, employment, or industrial designation to residential;*
  - 2) *Rezoning and redesignating lower-density residential land off site to higher density residential land;*
  - 3) *Rezoning land on or off site to the CM zone;*
  - 4) *Building residential units on the site or in a commercial or employment zone off site. When this option is used to mitigate for lost housing potential in an RX, RH, or R1 zone, only the number of units required by the minimum density regulations of the zone are required to be built to mitigate for the lost housing potential; or*
  - 5) *Any other method that results in no net loss of potential housing units, including units from the housing pool as stated in 33.810.060 below.*
  - 6) *In commercial and employment zones, residential units that are required, such as by a housing requirement of a plan district, are not credited as mitigating for the loss of potential units.*
  - 7) *When housing units in commercial or employment zones are used to mitigate for lost housing potential, a covenant must be included that guarantees that the site will remain in housing for the credited number of units for at least 25 years.*

**Findings:** The “no net loss” criterion requires the replacement of the housing or protection of already-developed housing that has been constructed in a nonresidential zone. The applicant has reached an agreement with a property located within the EX zone (a zone in which housing is not required) to designate three housing units as mitigation for the loss of housing units on the subject site (Exhibit A.13). The mitigation site is known as the St. Francis Park Apartments and is located at 1177 SE Stark Street. The St. Francis Park Apartments consists of 106 residential units of affordable housing. This site recorded covenants guaranteeing that the housing will remain affordable over a period of 60 years. This 60-year period significantly exceeds the long-term (25-year period) required by the Portland Zoning Code (Exhibit A.15).

The applicant’s research shows that in Portland, increases in housing capacity occur in non-residential zones as well as in zones where residential development is

required. Therefore, the loss of housing capacity on this site to non-residential development does not preclude maintaining or increasing housing capacity within the City.

### **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:** Under the provisions of Portland Comprehensive Plan, the Neighborhood Commercial plan designation has two corresponding zoning districts, Neighborhood Commercial 1 (CN1) and Neighborhood Commercial 2 (CN2). These zones are described in the Zoning Code (33.130.030) as follows:

#### Neighborhood Commercial 1 zone.

The Neighborhood Commercial 1 (CN1) zone is intended for **small sites in or near dense residential neighborhoods**. The zone encourages the provision of **small scale retail and service uses for nearby residential areas**. Some uses which are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be **pedestrian oriented** and compatible with the scale of surrounding residential areas. **Parking areas are restricted**, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.

Neighborhood Commercial 2 zone. The Neighborhood Commercial 2 (CN2) zone is intended for **small commercial sites and areas in or near less dense or developing residential neighborhoods**. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. **Development is expected to be predominantly auto accommodating**, except where the site is adjacent to a transit street or in a Pedestrian District. The development standards reflect that the site will generally be surrounded by more spread out residential development.

There are several factors that dictate the appropriateness of CN1 over CN2 for the rezoning of the subject property:

- The site is 6,468 square feet, adjacent to an established residential neighborhood, which falls into the CN1 category of “small sites in or near dense residential neighborhoods.”
- The surrounding commercial development to the east has a zoning designation of Neighborhood Commercial 1 (CN1). Zoning this site also CN1 will be consistent with the zoning pattern in the area.
- The site is located near transit. Bus #15 runs with frequent service on Belmont and Bus #71 runs on SE 60<sup>th</sup>. Given the proximity to transit, the development is not expected to be predominantly auto-accommodating and will instead serve pedestrians and transit users.

Therefore, the CN1 zone is more appropriate to implement the Neighborhood Commercial designation. This criterion is met.

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 provision is not applicable as there is no Buffer overlay on the site.

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.3 must be met.*

**Findings:** The zone change request is not from a higher density residential zone to a lower density residential zone, or from the CM zone to the CS zone. Therefore, this criterion is not applicable.

4. *Adequate public services.*
  1. *Adequacy of services applies only to the specific zone change site.*

**Findings:** The purpose of this criterion is to indicate that the adequacy test only applies to the property under consideration for the Zoning Map Amendment. Generally, the test applies to any of the range of uses permitted in the underlying zone as once rezoned, the use can be changed to another by-right use without review. Thus, the testing of adequacy of is based on the most intense use allowed in the requested zone.

In this case, on the 6,468-square-foot site, the proposed zoning is Neighborhood Commercial 1 (CN1). The most intense use allowed in this zone would be 4,851 square feet of office or 4,851 square feet of retail sales and service.

Comparing the most intense use allowed in CN1 with what is allowed currently under the existing low density multi-dwelling R2 zone. The R2 zone would allow three residential units.

<b>Zone</b>	<b>R2 (existing)</b>	<b>CN1 (proposed)</b>
Most intense use	3 residential units	Office or Retail Sales and Service
Maximum height	3-4 stories (40 feet)	2-3 stories (30 feet)
Maximum building coverage	3,234 sf (50%)	5,497 sf (85%)
Max FAR	n/a	4,851 sf of floor area (.75 to 1)
Min front setbacks	10 feet	0 feet
Min east side setbacks	Based on plane of wall (estimated 12 feet)	0 feet
Min west site setbacks	Based on plane of wall (estimated 12 feet)	8 feet (Based on height of wall)
Min rear setbacks	Based on plane of wall (estimated 7 feet)	8 feet (Based on height of wall)
Min landscaped area	1,941 sf (30%)	971 sf (15%)

Under current R2 standards, a development that would meet building coverage, setbacks and height for the site could be as large as 40 feet wide, 40 feet tall, and 77 feet deep. Setbacks would be as follows: front – 10 feet, sides – 12 feet, and rear – 12 feet.

Under proposed CN1 standards, a one-story development that would meet maximum FAR, building coverage, setbacks and height, could be as large as 59 feet wide, 15 feet high (single story), and 82 feet deep. Setbacks would be as follows: front – 0 feet, east side – 0 feet, west side – 5 feet, rear minimum 5 feet (functionally would be more like 17 feet). The footprint would be 4,838 square feet. Alternatively, a three-story building that would meet maximum FAR, building coverage, setbacks and height, could be as large as three stories with a footprint of 1,617 square feet.

Although a single story commercial building in the CN1 zone could have a larger footprint (4,851 square foot) than a R2 development (3,234 square foot), a three-story commercial development would have significantly less bulk with a footprint of only 1,617 square feet. And, a three-story commercial building could only be as tall as 30 feet, versus a 40-foot-tall potential in the R2 zone.

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.*

**Findings:** As indicated in the bureau responses below, this criterion is met for all Bureaus. This approval criterion is met.

Water Bureau: The Water Bureau responded with no concerns with the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment and their ability to support the use and density allowed under the proposed CN1 zone. The Water Bureau required no conditions of approval. The response includes information on water service to the lot (Exhibit E.3).

Police Bureau: The Police Bureau responded that it is capable of serving the proposed change at this time. (Exhibit H-3).

Fire Bureau: The Fire Bureau responded that all applicable Fire Code requirements will apply at time of building permit review and development. They expressed no issues with being able to support the density and uses allowed under the proposed CN1 zone (Exhibit E.4).

- 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.*

**Findings:** BES responded with the following information (Exhibit E.1):

**“A. RESPONSE SUMMARY**

“BES does not object to approval of the land use type application. The proposed development will be subject to BES standards and requirements during the permit review process.

**“B. SANITARY SERVICE**

*“For the zoning map amendment & comprehensive plan map amendment application to be approved, the applicant must show that the proposal complies with the public services approval criterion related to sanitary waste*

*disposal (PCC 33.855.050.B.2.b). The comments below are in response to this criterion.*

1. *Existing Sanitary Infrastructure:* According to best available GIS data, the following public sewer infrastructure is located in the vicinity of the project site:
  - a. There is a 10-inch VSP combination sewer in SE Belmont (BES as-built # 21285).
  - b. According to 1936 City connection records the existing structure at 5901 SE Belmont is served through a sanitary lateral that is located 288 feet from the east line of SE 58<sup>th</sup>. The sewer is about 11-feet from the west property line and within the site's frontage.
2. *Combined Sewer:* The combined sewer system currently surcharges under certain conditions. BES will allow sanitary connections, but stormwater discharges will be restricted according to the Stormwater Management Manual's Infiltration and Discharge Hierarchy, as well as flow and volume control standards. See the *Stormwater Management* section, below, for more information.
3. *Service Availability and Capacity:* Sanitary connections from private property that are to be permitted according to PCC 17.32.090 must be separately conveyed to the property line and connected through individual laterals to a City sanitary or combined sewer. All discharge must be connected via a route of service approved by the BES Chief Engineer.
  - a. *Calculations have been provided that demonstrate that anticipated sanitary flow from a CN1 zoned lot is less than the flow from an R2 zoned lot. Therefore the existing public sanitary system is adequate for the proposed zone.*
  - b. *Proposed Development:* The existing sanitary lateral is adequate for the existing structure. The developer will need to evaluate whether the existing lateral can be used for the new development based on the plumbing fixture count. BES would not object to the upsizing or of the existing lateral or construction of a new lateral.
4. *Connection Requirements:* Connection to public sewers must meet the standards of the City of Portland's [Sewer and Drainage Facilities Design Manual](#). New laterals required to serve the project must be constructed to the public main at the developer's expense during site development.

*"Staff finds the applicant's proposed sanitary sewer service acceptable for the purpose of reviewing the zone map & comprehensive plan amendment application against the sanitary sewer disposal approval criterion.*

**"C. STORMWATER MANAGEMENT**

*“For the zoning map amendment & comprehensive plan map amendment application to be approved, the applicant must show that the proposal complies with the public services approval criterion related to stormwater disposal (PCC 33.855.050.B.2.b). The comments below are in response to this criterion.*

5. *Existing Stormwater Infrastructure:* According to best available GIS data, the following stormwater infrastructure is located in the vicinity of the project site:
  - a. There are no public storm-only sewers available to this property.
6. *General Stormwater Management Requirements:* Development and redevelopment sites that include any of the triggers listed in PCC 17.38.040 are subject to the policies and standards of PCC 17.38.035, Portland’s [Stormwater Management Manual](#) (SWMM) and [Source Control Manual](#) (SCM). Projects must comply with the current adopted version of the SWMM as of the permit application date. A fundamental evaluation factor in the SWMM is the Stormwater Infiltration and Discharge Hierarchy (Section 1.3.1), which sets the framework that will be used to determine when a project’s stormwater runoff must be infiltrated onsite and when offsite discharge will be permitted, and the parameters that must be met for either scenario. If tested infiltration rates on a property are greater than or equal to 2 inches per hour, onsite infiltration will be required unless the site falls under a specific exemption described in Section 1.3.3 of the SWMM. Note that maximum building coverage allowed by the zoning code does not exempt the applicant from stormwater requirements. Pollution reduction and flow control requirements must be met using vegetated facilities to the maximum extent feasible, though roof runoff and some paved impervious surfaces are exempt when discharging directly to a UIC (refer to section 1.3.3 of the SWMM).
7. The applicant is proposing a drywell as a stormwater discharge point for the new structure.
  - a. The applicant will need to verify feasibility through infiltration testing and demonstrate appropriate sizing for the new structure at time of development
  - b. *The footprint of a structure meeting the proposed zone would not be significantly larger than a potential structure on the existing lot therefore the stormwater approval criteria are met.*
8. *Site Contamination:* BES Pollution Prevention has identified through researching property records or other means that this property is listed in DEQ’s Leaking Underground Storage Tank (LUST) database as site #26-16-0300 and is suspected to have contaminated soil. If infiltration of stormwater is proposed or required to meet the SWMM, then soil and groundwater characterization may be required within the areas of

infiltration ([PCC 17.38](#) and [Section 1.12 of the Source Control Manual \(SCM\)](#)). The minimum test parameters for soil and groundwater analyses are listed in the [SCM Section 1.4.5](#). Other constituents of concern for the area or site must be added to the suite of analytes. The applicant must demonstrate using the data collected and any necessary modeling that contamination will not be further mobilized on or off site. The characterization must be submitted and approved by the City and DEQ.

“For subsurface facilities, the applicant must demonstrate soil and groundwater contamination is not further exacerbated via mounding of groundwater on site or affect adjacent sites. Additionally, an evaluation to ensure leaching of contaminants from soils, if present, will not occur. “For surface facilities, the applicant must demonstrate soil and groundwater contamination, as applicable, is not exacerbated by centralized stormwater infiltration areas. The analysis must show that the contamination is not further exacerbated: mounding of groundwater will not occur on site or affect adjacent sites and that leaching of contaminants from soils, if present, will not occur. If it is adequately demonstrated that contamination is the reason infiltration is not feasible, then a 60 mil HDPE liner will be necessary for lining the facility.

“DETAILED INFO: For any future development that will require stormwater infiltration, the applicant must provide BES Pollution Prevention with any available environmental reports for this site, including but not limited to: tank decommissioning reports, Phase I and Phase II environmental site assessments, and/or other soil and groundwater characterization reports. These reports will help BES Pollution Prevention determine if additional soil characterization is needed (as stated above) and/or if soil management requirements are needed for site excavation and grading activities.

*“Staff finds the applicant’s proposed stormwater management plan acceptable for the purpose of reviewing the zone map & comprehensive plan amendment application against the stormwater management approval criterion.*

**“D. CONDITIONS OF APPROVAL**

“BES has no recommended conditions of approval.”

- 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:** PBOT responded with the following information (Exhibit E.2):

“As demonstrated in this TIA prepared by Lancaster Engineering, all study intersections will meet City of Portland performance standards in the long term, either with or without the proposed zone change. Therefore, the above criteria are satisfied.

**“Transportation Planning Rule**

Similar to the approval criteria in Title 33 addressed above, the TPR is in place to ensure that the transportation system can adequately accommodate any potential increase in trips that could result from an amendment to a land-use regulation. In this case, the amendment is to the proposed change in zoning. The applicable portion of the TPR is quoted below with a finding immediately following:

***“660-012-0060 Plan and Land Use Regulation Amendments***

- (3) *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. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) Change standards implementing a functional classification system; or*
  - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would*

*demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

**“Findings:**

The proposed zone change will result in a small increase in potential trip generation and will not change the functional classification of any transportation facilities or the standards that implement the functional classification system. Accordingly, subsection (a) and (b) are satisfied.

“Based on the results of the capacity analysis contained in the TIA prepared by Lancaster Engineering, the study intersections are projected meet City of Portland performance standards in the long term, either with or without the proposed zone change. Accordingly, there is no significant effect as defined by the TPR and subsection (c) is satisfied

**“Conclusions**

Both study intersections are projected to operate acceptably per City of Portland standards through year 2035 with the proposed zone change. No operational mitigation is necessary or recommended.

“Based on the most recent five years of available crash data, no significant safety hazards were identified at either study intersection. Accordingly, no safety mitigation is necessary or recommended.

“All applicable transportation approval criteria are satisfied, including the Transportation Planning Rule and City of Portland Title 33 Section 33.855.050.

“The transportation system within the vicinity of the site is capable of safely supporting the existing uses as well as the proposed higher density zone. No mitigation is necessary or recommended.

**“Transportation System Development Charges (Chapter 17.15)**

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-6108.

**“Driveways and Curb Cuts (Section 17.28)**

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.”

- 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 requested zone is CN1, Neighborhood Commercial. Therefore, this criterion is not applicable.

**Summary:** 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.

## **III. CONCLUSIONS**

The applicant requests a Comprehensive Plan Map Amendment and concurrent Zone Map Amendment to change the current designation and zoning on a 6,468-square-foot site from the Low-Density Multi-Dwelling Comprehensive Map designation and R2, Residential 2,000 Zoning Map Designation, to a Neighborhood Commercial Comprehensive Plan Map designation and CN1, Neighborhood Commercial 1 Zoning Map Designation.

The intended use of the site is for an expanded dental office for the owner, who currently operates the dental office two lots to the east but who wishes to expand.

As proposed, the project is able to meet all of the relevant approval criteria for both the Comprehensive Plan and Zoning Map amendments, subject to conditions. With conditions of approval, this proposal can be approved.

#### **IV. RECOMMENDATION**

**Approval of a Comprehensive Plan Map Amendment** from Low-Density Multi-Dwelling Residential to Neighborhood Commercial; and

**Approval of a Zoning Map Amendment** to change the zoning from R2 (Residential 2,000) to CN1 (Neighborhood Commercial 1); to change the zoning from R2 (Residential 2,000) to CN1 (Neighborhood Commercial 1);

For the property legally described as Schroberg Estates, Lot 4, including undivided interest in Tract "A."

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Joe Turner, Hearings Officer

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Date

**Application Determined Complete:** June 14, 2017  
**Report to Hearings Officer:** July 21, 2017  
**Recommendation Mailed:** August 17, 2017

**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 BDS 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.

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

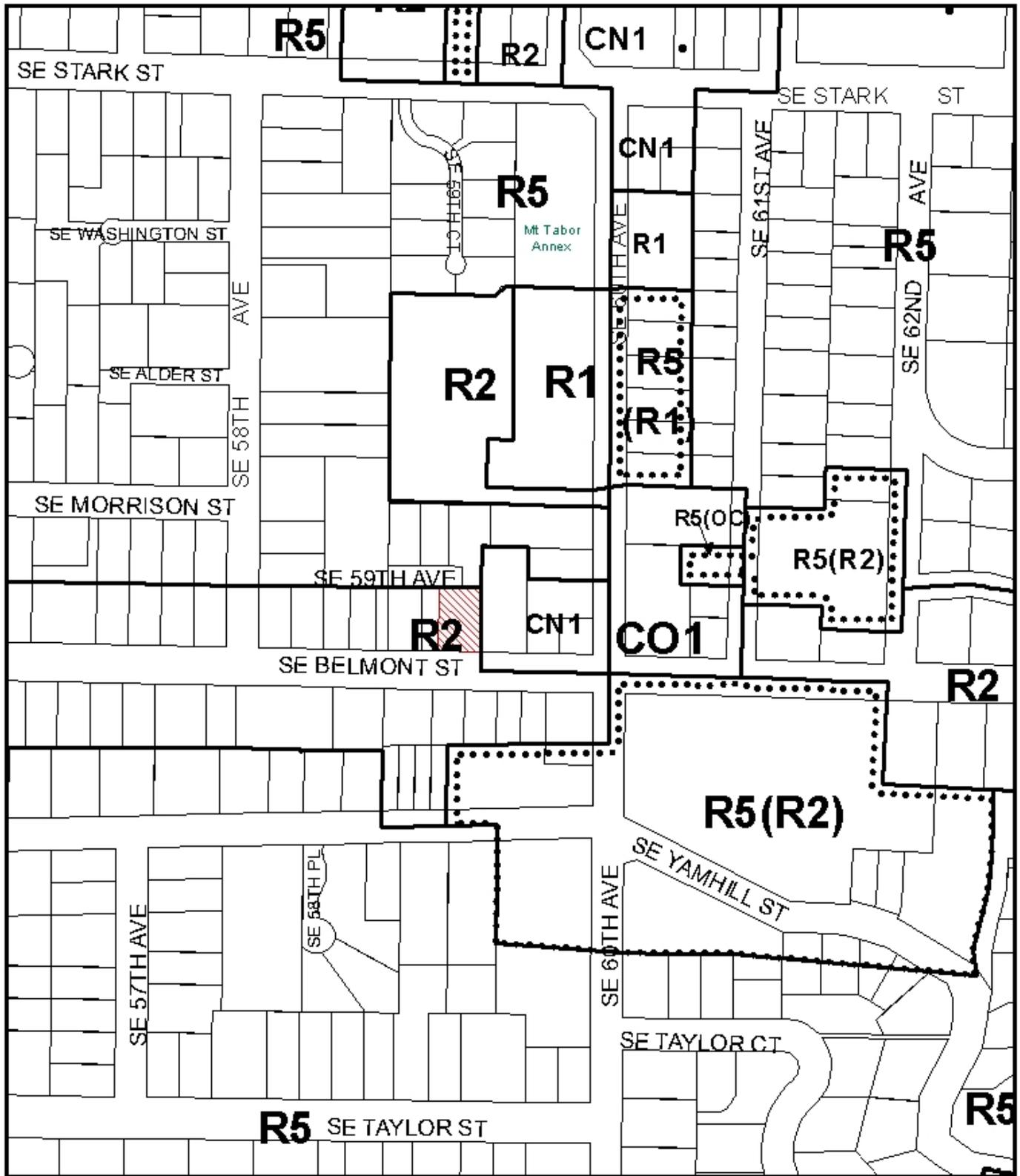
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Applicant's Statement
  - 1. Applicant Original Narrative (superseded – see Exhibit A.12)
  - 2. Transportation Impact Study
  - 3. Included Letter of Support from Mt. Tabor Neighborhood Association, August 17, 2017
  - 4. Department of Environmental Quality Letter on Decommissioning of Heating Oil Tank, July 5, 2017
  - 5. Email from Juanita Hess, Portland Water Bureau, on Fire Flow, November 21, 2017
  - 6. Simplified Approach Form – Stormwater Management Manual
  - 7. Trio from WFG National Title Insurance Company, June 14, 2017
  - 8. Original Site Plan (superseded – see Exhibit C.1)
  - 9. Low-Income Housing Restrictive Covenant, MacDonald West Apartments
  - 10. Low-Income Housing Restrictive Covenant, Ritzdorf Court
  - 11. Cover Letter, Response to Incomplete, June 14, 2017
  - 12. Updated Narrative
  - 13. Letter of Agreement, Trell Anderson, Caritas Housing Initiatives, LLC, June 13, 2017
  - 14. Agreement between Portland Housing Bureau and St. Francis Park GP LLC, dated March 1, 2017
  - 15. Restrictive Covenants for St. Francis Park Apartments, located at 1177 SE Stark St., recorded on March 4, 2017
- B. Zoning Map (**attached**)
  - 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. Bureau of Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of Bureau of Development Services
  - 6. Bureau of Parks, Forestry Division

7. Life Safety (Building Code) Plans Examiner
- F. Letters: none received before this staff report was published.
- G. Other
  1. Original Land Use Review Application and Receipt
  2. Incomplete Letter, January 27, 2017
  3. Thirty-Day Notice: End of Incomplete Period, May 25, 2017
- H. Received by the Hearings Office
  1. Notice of Public Hearing dated 7/12/17 - Rhoads, Amanda
  2. Staff Report - Rhoads, Amanda
  3. 7/24/17 Memorandum, Capt. Mike Krantz to Rhoads - Rhoads, Amanda
  4. PowerPoint Presentation printout - Rhoads, Amanda
  5. Record Closing Information - Hearings Office

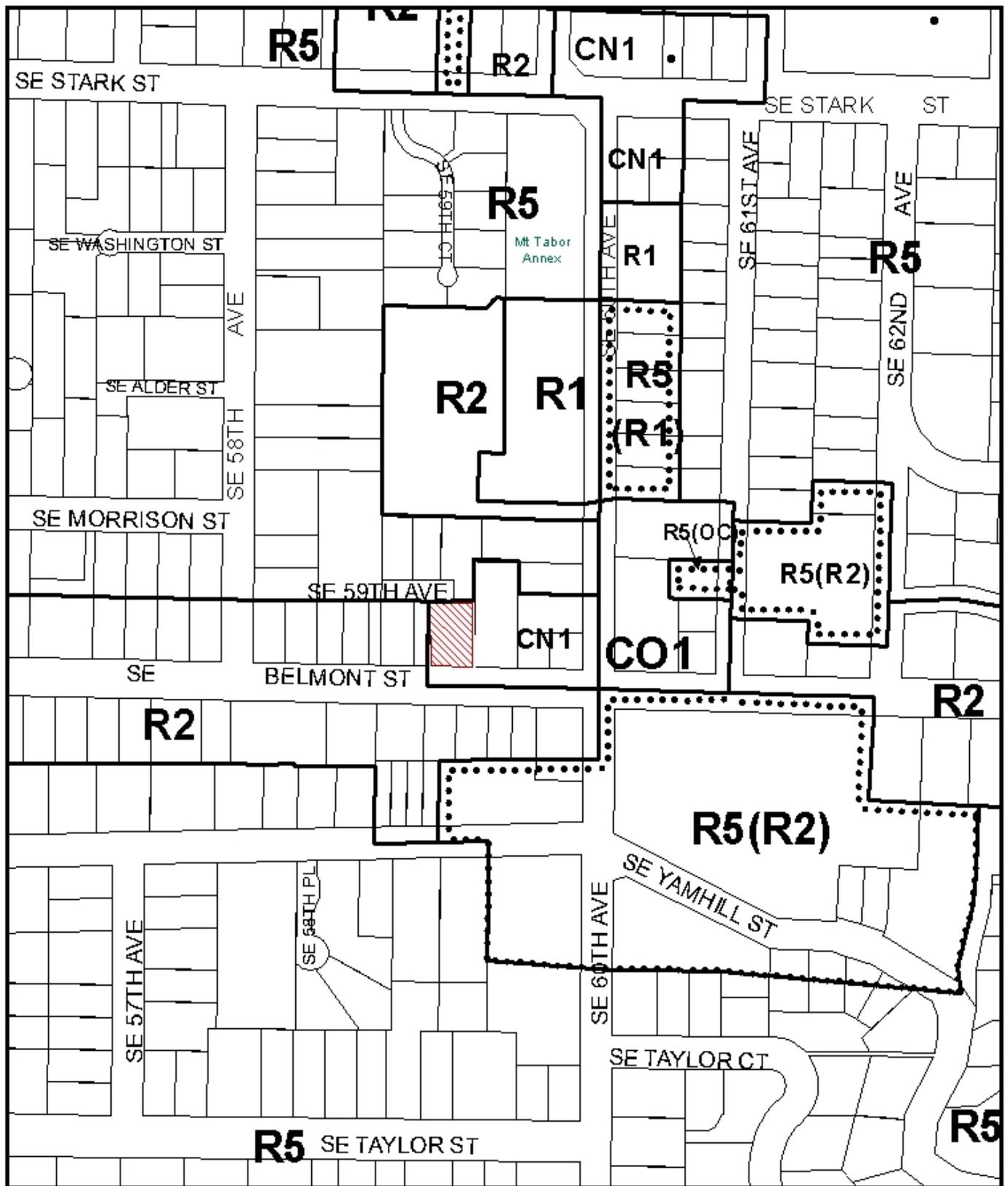


# EXISTING ZONING



- Site
- Historic Landmark

File No.	<u>LU 16-292724 CP ZC</u>
1/4 Section	<u>3136</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E06AA 7804</u>
Exhibit	<u>B (Jan 05, 2017)</u>



# PROPOSED ZONING



-  Site
-  Historic Landmark

File No.	<u>LU 16-292724 CP ZC</u>
1/4 Section	<u>3136</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E06AA 7804</u>
Exhibit	<u>B (Jan 05, 2017)</u>