



Portland City Auditor

Hearings Office

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RECOMMENDATION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File Number: LU 17-113086 CP ZC CU MS AD (Hearings Office 4180012)

Applicant: Andrew Tull
3J Consulting, Inc.
5075 SW Griffith Drive, Suite 150
Beaverton, OR 97005

Property Owner: Parkview Christian Retirement Community
1825 NE 108th Avenue
Portland, OR 97220

Hearings Officer: Gregory J. Frank

Bureau of Development Services (BDS) Staff Representative: Andrew Gulizia

Site Addresses: 1825 NE 108th Avenue, 1918 NE 106th Avenue, 1910 NE 106th Avenue,
1824 NE 106th Avenue, 1820 NE 106th Avenue, 1812 NE 106th Avenue

Legal Descriptions: BLOCK 21&22 TL 11100, CASMUR; BLOCK 3, PLANTATION; TL 2700 0.29
ACRES, SECTION 27 1N 2E; TL 2900 0.33 ACRES, SECTION 27 1N 2E; LOT 1,
PARTITION PLAT 2003-109; LOT 2, PARTITION PLAT 2003-109

Tax Account Numbers: R141905350, R662100240, R942272280, R942273100, R649834330,
R649834340

State ID Numbers: 1N2E27CD 11100, 1N2E27CC 03000, 1N2E27CC 02700, 1N2E27CC 02900,
1N2E27CC 02801, 1N2E27CC 02802

Quarter Section: 2841

Neighborhood: Parkrose Heights

Business District: Gateway Area Business Association

District Neighborhood Coalition: East Portland Neighborhood Office

Current Zoning: R7 (Single-Dwelling Residential 7,000), R2 (Multi-Dwelling Residential 2,000)

Proposed Zoning: R1 (Multi-Dwelling Residential 1,000)

Land Use Review: Type III, CP ZC, CU MS, AD – Comprehensive Plan Map and Zoning Map Amendment, Conditional Use Master Plan, Adjustment

BDS Staff Recommendation to Hearings Officer: Approval with conditions.

Public Hearing: The hearing was opened at 9:00 a.m. on July 16, 2018, in the third-floor hearing room, 1900 SW Fourth Avenue, Portland, Oregon, and was closed at 10:23 a.m. The record was held open until 4:00 p.m. on July 23, 2018 for new evidence and until 4:00 p.m. on July 30, 2018 for Applicant's final argument/rebuttal.

Testified at the Hearing:

Andrew Gulizia
Garrett Stephenson
Andrew Tull
Keith Milsark
Thomas Nast
Bob Haley

Proposal: Applicant proposes a Comprehensive Plan Map Amendment, Zoning Map Amendment, Conditional Use Master Plan, and Adjustment Review for the properties described above (the "Subject Property").

The Comprehensive Plan Map Amendment would remove the two current Comprehensive Plan Map designations (Single-Dwelling 7,000 and Multi-Dwelling 2,000) and apply the Multi-Dwelling 1,000 designation to the entire Subject Property.

The concurrent Zoning Map Amendment would remove the current R7 and R2 zoning designations and apply the R1 zone to the entire Subject Property. The R1 zone is the corresponding zone for the Multi-Dwelling 1,000 Comprehensive Plan Map designation.

The Subject Property is currently developed with an apartment complex for retirees and five single-dwelling houses. The proposed Conditional Use Master Plan would enable the following building projects on the Subject Property within 10 years following the approval date:

- New one-story, approximately 15,500-square-foot, 26-bed memory care building adjacent to NE 106th Avenue (classified as Group Living use);

- New two-story, approximately 20,300-square-foot, 22-unit independent living apartment building adjacent to NE San Rafael Street (classified as Household Living use); and
- Approximately 1,500-square-foot, one-story addition to an existing building in the interior of the Subject Property. This space would be used as common area for residents of the complex.

The five houses within the Subject Property would be demolished, but the existing apartment buildings would be retained.

The proposed Adjustment would reduce the minimum number of long-term bike parking spaces for the Household Living use from 153 to 18 (Zoning Code Section 33.266.210.A). Without the Adjustment, at least 1.1 long-term bike parking spaces would be required for each apartment unit on the Subject Property, including the existing apartments (Zoning Code Sections 33.266.210.A, 33.258.070.D.2). The proposed Adjustment would reduce the requirement to one long-term bike parking space for every eight apartments, which matches the requirement in Zoning Code Section 33.229.040.C.2 for certain covenant-restricted senior housing developments.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.810.050.A.1-4 (Comprehensive Plan Map Amendment);
- 33.855.050.A-D (Zoning Map Amendment);
- 33.820.050.A-C (Conditional Use Master Plan);
- 33.815.105.A-E (Conditional Use); and
- 33.805.040.A-F (Adjustment).

The criteria in Zoning Code Section 33.810.050.A.1-4 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.

II. ANALYSIS

Site and Vicinity: The Subject Property is approximately 5.3 acres in area and is composed of six separate tax lots under common ownership. The property at 1825 NE 108th Avenue is currently developed with a 117-unit apartment complex for retirees with mostly one-story buildings. The apartment complex has three surface parking lots with 54 parking spaces and mature trees are distributed throughout the property. Each of the other lots on the Subject Property is currently developed with a single-dwelling house which Applicant intends to demolish. The Subject Property fronts on three streets: NE 108th Avenue, NE San Rafael Street, and NE 106th Avenue. Each of these streets is classified as a local service street in the City's Comprehensive Plan. While the right-of-way of NE 106th Avenue connects to the right-of-way of NE San Rafael Street, the pavement of the two streets does not connect and NE 106th Avenue functions as a dead-end street. The portion of the NE 106th Avenue right-of-way which abuts the northwestern portion of

the Subject Property is unimproved and contains several large fir trees. Most of the Subject Property's neighboring properties are developed with single-dwelling houses, but properties south of the Subject Property along NE Weidler Street are developed with two-story apartment buildings. Northeast Weidler Street, which is about 200 feet south of the Subject Property, is an arterial street served by TriMet bus routes 23 and 77.

Zoning: Currently, most of the Subject Property is zoned R7; part of the southern area of the Subject Property is zoned R2 (Exhibit B-1).

The R7 zone is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and to promote housing opportunities for individual households. The R7 zone allows one dwelling unit per 7,000 square feet of site area. New development is generally restricted to one single-dwelling house per lot.

The R2 zone is one of the City's multi-dwelling residential zones, which are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The R2 zone allows one dwelling unit per 2,000 square feet of site area. Multi-dwelling residential buildings are allowed.

The proposed zone for the entire Subject Property is R1. The R1 zone is another one of the City's multi-dwelling residential zones. The R1 zone allows one dwelling unit per 1,000 square feet of site area and multi-dwelling buildings are allowed. In the R1 zone, Group Living development for more than 15 residents (such as the proposed 26-bed memory care facility) requires Conditional Use Review.

Land Use History: City records indicate the following prior land use reviews for this Subject Property:

- MCF 6-73 CS: 1973 Multnomah County approval for retirement apartments on Tax Lot 11100 (1825 NE 108th Avenue).
- MCF 47-77: 1977 Multnomah County approval to re-zone the southern portion of Tax Lot 11100 from R-7 (Single-Family Residential District) to A-2 (Apartment Residential District).
- LU 02-134285 LDP: 2003 land division approval which created the lots at 1820 NE 106th Avenue and 1824 NE 106th Avenue from a previously vacant parcel.

MCF 6-73 CS establishes nonconforming rights for the existing apartment buildings at 1825 NE 108th Avenue (Zoning Code Section 33.258.035), but these prior land use reviews are not relevant otherwise. Per Zoning Code Section 33.700.110.A, conditions of approval from land use reviews applied for earlier than 1981 no longer apply. LU 02-134285 LDP was applied for in 2002, and a condition of approval required certain trees at 1820 NE 106th Avenue and 1824 NE 106th Avenue to be preserved. However, conditions of approval from land divisions for tree preservation expire

10 years from the date the final plat is approved (Zoning Code Section 33.700.115.B). The final plat for LU 02-134285 LDP was approved in 2003, so this condition of approval no longer applies.

Agency Review: A "Request for Response" was sent to City agencies on March 16, 2018. The following bureaus responded:

- The *Bureau of Environmental Services* ("BES") provided information on sanitary sewer and stormwater requirements. BES expressed support for approval of this application with a condition for additional stormwater information to be submitted prior to building permit approval (Exhibit E-1).
- The *Portland Bureau of Transportation* ("PBOT") responded with information concerning how the proposal meets transportation-related approval criteria. Details of this response are included below under "Zoning Code Approval Criteria" (Exhibit E-2).
- The *Water Bureau* provided information on water service and raised no concerns about the proposal (Exhibit E-3).
- The *Fire Bureau* stated that public services for fire protection and access would be adequate for the proposal (Exhibit E-4).
- The *Site Development Review Section of BDS* responded with information on permit requirements, but no concerns about the proposal (Exhibit E-5).
- The *Life Safety Review Section of BDS* responded with information about permit requirements, but with no concerns about the proposal (Exhibit E-6).
- The *Urban Forestry Division of Portland Parks and Recreation* responded with information on street tree requirements that would apply at the time of building permit review (Exhibit E-7).
- The *Police Bureau* responded that police can provide adequate services for the proposal (Exhibit E-8).
- The *Bureau of Planning and Sustainability* responded with support for the proposal (Exhibit E-9).

Neighborhood Review: A "Notice of Public Hearing" was mailed on April 10, 2018. BDS staff received one letter from a neighbor, though this letter was received before the "Notice of Public Hearing" was sent. This neighbor expressed concerns about changing NE 106th Avenue from a dead-end street to a through street connecting to NE San Rafael Street (Exhibit F-1).

BDS staff responded, in the Staff Report and Recommendation to the Hearings Officer ("Staff Report" – Exhibit H.2), as follows:

"Although PBOT originally planned to require full street improvements to connect NE 106th Avenue to NE San Rafael Street, PBOT now intends to require only a pedestrian and bicycle pathway through the right-of-way adjacent to the northwest corner of the site. Northeast 106th Avenue would remain a dead-end street for motor vehicles."

The Hearings Officer concurs with the BDS comment quoted above.

One person appeared at the July 16, 2018 public hearing (the "Hearing") and testified in opposition to the proposal. Thomas Nast ("Nast"), the neighbor who testified, raised issues related to on-street parking in the vicinity of the Subject Property, employee and visitor parking, increased traffic, and that the proposed two-story independent living building would be "imposing" and not compatible with the neighborhood.

Letters were received, during the open-record period, from Velta Altig ("Altig" – Exhibit H.7), G. Henry ("Henry" – Exhibit H.8), and Verna Newton ("Newton" – Exhibit H.9). Together, these opposition letters expressed concerns related to the application in this case related to traffic safety and efficient movement of vehicles on NE 106th, NE 108th, and NE San Rafael; on-street parking impacts; parking of guests/visitors/employees of the Applicant's business; of neighborhood streets; and the impacts flowing from an approval of this application.

The Hearings Officer will address the impacts created by an approval of the application, in this case, related to traffic, parking, and the two-story building in the relevant approval criteria below.

COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA

33.810.050 Comprehensive Plan Map Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;

Findings: Applicant is requesting to remove the two current Comprehensive Plan Map designations (Single-Dwelling 7,000 and Multi-Dwelling 2,000) and apply the Multi-Dwelling 1,000 designation to the entire Subject Property.

The two existing designations are described in Policy 10.1 of the Comprehensive Plan as follows:

Single-Dwelling 7,000: This designation is intended for areas that are not adjacent to centers and corridors, where urban public services are available or planned, but complete local street networks or transit service is limited. This designation is also intended for areas where ecological resources or public health and safety considerations warrant lower densities. Areas within this designation may have

minor development constraints, but the constraints can be managed through appropriate design during the subdivision process. This designation may also be applied in areas where urban public services are available or planned, but the development pattern is already predominantly built-out at 5 to 6 units per acre. Single-dwelling residential will be the primary use. The maximum density is generally 6.2 units per acre. The corresponding zone is R7.

Multi-Dwelling 2,000: This designation allows multi-dwelling development mixed with single-dwelling housing types but at a scale greater than for single-dwelling residential. This designation is intended for areas near, in, and along centers and corridors and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 21.8 units per acre, but may be as much as 32 units per acre in some situations. The corresponding zone is R2.

The proposed designation is described in Policy 10.1 of the Comprehensive Plan as follows:

Multi-Dwelling 1,000: This designation allows medium density multi-dwelling development. The scale of development is intended to reflect the allowed densities while being compatible with nearby single-dwelling residential. The designation is intended for areas near, in, and along centers and corridors, and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 43 units per acre, but may be as much as 65 units per acre in some situations. The corresponding zone is R1.

Based on the findings below, the Hearings Officer finds the requested designation would, on balance, be equally or more supportive of the Comprehensive Plan than the existing designations. The analysis below references Applicant's development proposal for the Subject Property, which is detailed in the proposed Conditional Use Master Plan. The Conditional Use Master Plan is proposed concurrently with the Comprehensive Plan Map Amendment and is discussed in more detail later in this recommendation.

The following Comprehensive Plan Goals and Policies are relevant to this proposal:

Policy 1.10 - Compliance with the Comprehensive Plan. *Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than*

the existing language or designation.

Findings: This policy is implemented by the approval criterion for Comprehensive Plan Map Amendments in Zoning Code Section 33.810.050.A.1. The findings below analyze compliance with Zoning Code Section 33.810.050.A.1. Since Zoning Code Section 33.810.050.A.1 is found to be met in this recommendation, the Hearings Officer finds the proposal is also consistent with Policy 1.10.

Policy 1.11 - Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary. *Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland metropolitan area.*

Findings: Each title of the Urban Growth Management Functional Plan that is relevant to the requested Comprehensive Plan Map Amendment is addressed below:

Title 1 - Requirements for Housing and Employment Accommodation

This section of the Functional Plan requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations.

The Single-Dwelling 7,000 designation which currently applies to most of the Subject Property anticipates up to 6.2 dwelling units per acre. The Multi-Dwelling 2,000 designation which currently applies to the southern portion of the Subject Property anticipates up to 21.8 dwelling units per acre, and up to 32 dwelling units per acre in some situations. The proposed Multi-Dwelling 1,000 designation for the Subject Property anticipates up to 43 dwelling units per acre, and up to 65 dwelling units per acre in some situations. Therefore, the Hearings Officer finds that the proposal better supports Title 1 by increasing the residential development capacity of a site which is within the Urban Growth Boundary.

Title 3 - Water Quality and Flood Management

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

Compliance with Title 3 is achieved through the implementation of the City's Stormwater Management Manual and other development regulations at the time of building permit review. BES, which implements the Stormwater Management Manual, reviewed Applicant's stormwater report (Exhibit A-6). BES expressed support for approval of this

application with a condition for additional stormwater information to be submitted prior to building permit approval (Exhibit E-1).

Erosion control is regulated through Title 10 of the City Code, which is implemented by the BDS Site Development Section at the time of building permit review. The BDS Site Development Section reviewed the application and expressed no concerns about the ability of development on the Subject Property to meet the Title 10 requirements (Exhibit E-5).

The Subject Property is not located within the 100-year floodplain or in a designated landslide hazard area.

For these reasons, the Hearings Officer finds the proposed Comprehensive Plan Map designation is equally supportive of Title 3.

Title 7 - Housing Choice

The framework plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments.

In early 2017, the City of Portland implemented inclusionary (affordable) housing requirements for buildings with 20 or more residential units. The proposed Conditional Use Master Plan development for the Subject Property would not be subject to inclusionary housing regulations because the Conditional Use Master Plan application was filed before those regulations were in effect. However, future development proposals for the Subject Property would be subject to inclusionary housing regulations. The proposed Comprehensive Plan Map designation equally supports Title 7 by increasing the potential for housing development on the Subject Property, which in turn increases the Subject Property's potential for affordable housing development in the future.

Title 8 - Compliance Procedures

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

The proposal meets this title because the public notice requirements for Type III land use reviews, as outlined in Zoning Code Section 33.730.030, are met. In addition to notifying City-recognized organizations within a 1,000-foot radius of the Subject Property and neighbors within a 400-foot radius of the Subject Property, notice of the proposal was posted at the Subject Property and sent to Metro and to the Department of Land Conservation and Development.

Title 12 - Protection of Residential Neighborhoods

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

The proposed Multi-Dwelling 1,000 designation corresponds to the R1 multi-dwelling residential zone. To the extent that the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment to R1 is met, the proposal is consistent with providing adequate levels of public services. As discussed later in this recommendation, the Hearings Officer finds the approval criterion in Zoning Code Section 33.855.050.B can be met, including for police services.

The proposed Comprehensive Plan Map designation would not cause significant impacts related to noise or pollution, given the limited types of land uses permitted in the R1 residential zone (Zoning Code Section 33.120.100), and through the requirements of the Stormwater Management Manual and other regulations that apply during building permit reviews.

For these reasons, the Hearings Officer finds that the proposed Comprehensive Plan Map designation is equally supportive of Title 12.

Title 13 - Nature in Neighborhoods

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

The Subject Property is not designated with an Environmental Conservation, Environmental Protection, or Greenway overlay zone, and is not within the 100-year flood plain. Therefore, the Subject Property has not been identified as having any unusual natural resource value. During building permit review, development would be required to meet the applicable Stormwater Management Manual requirements, thereby preventing water pollution and protecting water quality. Therefore, the Hearings Officer finds that the proposal is equally supportive of this title.

Summary

As discussed above, the Hearings Officer finds that the requested Multi-Dwelling 1,000 designation either would be supportive of the intent of the relevant titles in the Urban Growth Management Functional Plan, or these titles would be met through compliance with other applicable City regulations. The proposal supports a tight Urban Growth Boundary by increasing the development capacity of a site which is inside the existing

boundary. For these reasons, the Hearings Officer finds the proposal is more consistent with Policy 1.11 than the existing designations.

Policy 1.12 - Consistency with Statewide Planning Goals. *Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals.*

Findings: The City's Comprehensive Plan was written to comply with the Oregon Statewide Planning Goals. The Statewide Planning Goals are comparable to chapters in the City's Comprehensive Plan as follows:

- Statewide Planning Goal 1 (Citizen Involvement) – Comprehensive Plan Chapter 2 (Community Involvement)
- Statewide Planning Goal 2 (Land Use Planning) – Comprehensive Plan Chapter 1 (The Plan) and Chapter 10 (Land Use Designations and Zoning)
- Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources) – Comprehensive Plan Chapter 4 (Design and Development), Chapter 7 (Environment and Watershed Health), and Chapter 8 (Public Facilities and Services)
- Statewide Planning Goal 6 (Air, Water, and Land Resources Quality) – Comprehensive Plan Chapter 7 (Environment and Watershed Health)
- Statewide Planning Goal 7 (Areas Subject to Natural Disasters and Hazards) – Comprehensive Plan Chapter 4 (Design and Development) and Chapter 7 (Environment and Watershed Health)
- Statewide Planning Goal 8 (Recreation Needs) – Comprehensive Plan Chapter 8 (Public Facilities and Services)
- Statewide Planning Goal 9 (Economy of the State) – Comprehensive Plan Chapter 6 (Economic Development)
- Statewide Planning Goal 10 (Housing) – Comprehensive Plan Chapter 5 (Housing)
- Statewide Planning Goal 11 (Public Facilities and Services) – Comprehensive Plan Chapter 8 (Public Facilities and Services)
- Statewide Planning Goal 12 (Transportation) – Comprehensive Plan Chapter 9 (Transportation)

- Statewide Planning Goal 13 (Energy) – Comprehensive Plan Chapter 4 (Design and Development)
- Statewide Planning Goal 14 (Urbanization) – Comprehensive Plan Chapter 3 (Urban Form)
- Statewide Planning Goal 15 (Willamette Greenway) – Comprehensive Plan Chapter 7 (Environment and Watershed Health)

Statewide Planning Goals not listed above relate to agricultural resources (Goal 3), forestry (Goal 4), estuarine resources (Goal 16), coastal shorelands (Goal 17), beaches and dunes (Goal 18), and ocean resources (Goal 19). These goals do not apply to the Subject Property.

For quasi-judicial Comprehensive Plan Map Amendments, compliance with the City's Comprehensive Plan goals shows compliance with applicable Statewide Planning Goals. The analysis in this recommendation shows that the City goals and policies are equally or more supported by the proposed Comprehensive Plan Map designation compared to the existing designations. Therefore, the Hearings Officer finds the proposal is consistent with all applicable Statewide Planning Goals and equally supports Policy 1.12.

Policy 1.13 - Consistency with State and Federal Regulations. *Ensure that the Comprehensive Plan remains consistent with all applicable state and federal regulations, and that implementation measures for the Comprehensive Plan are well coordinated with other City activities that respond to state and federal regulations.*

Findings: Compliance with state and federal regulations is a burden on the City rather than Applicants for quasi-judicial land use applications. However, the Bureau of Planning and Sustainability, which is responsible for the Comprehensive Plan's compliance with state and federal regulations, expressed support for this proposal (Exhibit E-9). BDS Staff provided written notice of the application to the Oregon Department of Land Conservation and Development. For these reasons, the Hearings Officer finds the proposal is equally consistent with Policy 1.13.

Policy 1.14 - Public facility adequacy. *Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland's urban services boundaries, as established by Policies 8.2 and 8.6.*

Findings: The proposed Multi-Dwelling 1,000 designation corresponds to the R1 multi-dwelling residential zone. To the extent that the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment to R1 is met, the

proposal is consistent with providing adequate levels of public services for water, sanitary sewer, stormwater disposal, police and fire protection, and the transportation system. As discussed later in this recommendation, the Hearings Officer finds the approval criterion in Zoning Code Section 33.855.050.B can be met.

In addition, the Parkrose School District was notified in writing of the proposal and invited to comment. As of the date of this recommendation, the Parkrose School District has not submitted any comments. Since the housing on the Subject Property is for retirees, the proposal is not expected to significantly affect enrollment at any public school.

For these reasons, the Hearings Officer finds the proposal equally supports Policy 1.14.

Policy 1.15 - Intergovernmental coordination. *Strive to administer the Comprehensive Plan elements and implementation tools in a manner that supports the efforts and fiscal health of the City, county and regional governments, and partner agencies such as school districts and transit agencies.*

Findings: By allowing an increase in allowable residential density, the Comprehensive Plan Map Amendment would likely increase the value of the property and therefore increase the property tax base for the local governments and the Parkrose School District. The cost of public improvements to serve the increased development on the Subject Property would be borne by the property owner rather than by public service providers. Also, as mentioned above, the proposal is not expected to significantly affect enrollment at any public school because the housing on the Subject Property would be for retirees.

In addition, the proposal increases the allowable residential density on a Subject Property that is within a quarter-mile of four TriMet bus lines and within a 20-minute walk of MAX light rail service at the Gateway Transit Center. Therefore, the Hearings Officer finds the proposal supports TriMet's efforts to provide efficient transit services.

For these reasons, the Hearings Officer finds the proposal equally supports Policy 1.15.

Policy 1.18 - Quasi-judicial amendments to the Comprehensive Plan Map. *Applicants for quasi-judicial amendments to the Comprehensive Plan Map must show that the requested change adheres to Policies 1.10 through 1.15 and:*

- *Is compatible with the land use pattern established by the Comprehensive Plan Map.*
- *Is not in conflict with applicable adopted area-specific plans as described in Policy 1.19, or the applicable hearings body determines that the identified conflict represents a circumstance where the area specific plan is in conflict with the Comprehensive Plan and the proposed amendment is consistent with the*

Comprehensive Plan.

The Hearings Officer must review and make recommendations to the City Council on all quasi-judicial amendments to the Comprehensive Plan Map using procedures outlined in the Zoning Code.

Findings: As discussed in the findings above, the Hearings Officer finds the proposal is consistent with Policies 1.10 – 1.15.

The proposed Multi-Dwelling 1,000 designation for this Subject Property would be contiguous with the Multi-Dwelling 1,000 area (zoned R1) to the south (Exhibit B-1). The proposed designation is also more consistent with the existing multi-dwelling development on most of the Subject Property, which was constructed before the Subject Property was annexed to the City of Portland.

The Hearings Officer finds this proposal is consistent with the Cully/Parkrose Community Plan and with Policy 1.19, as discussed below.

For these reasons, the Hearings Officer finds the proposal is equally consistent with Policy 1.18.

Policy 1.19 - Area-specific plans. *Use area-specific plans to provide additional detail or refinements applicable at a smaller geographic scale, such as for centers and corridors, within the policy framework provided by the overall Comprehensive Plan.*

1.19.a. *Area-specific plans that are adopted after May 24, 2018, should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses.*

1.19.b. *Area-specific plan components intended as context, general guidance, or directives for future community-driven efforts should not amend the Comprehensive Plan elements or implementation tools but be adopted by resolution as intent. These components include vision statements, historical context, existing conditions, action plans, design preferences, and other background information.*

1.19.c. *Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to May 24, 2018, are still in effect. However, the elements of this Comprehensive Plan supersede any goals or policies of a*

community, area, or neighborhood plan that are inconsistent with this Plan. See Figure 1-2 – Area-Specific Plans Adopted by Ordinance Prior to January 1, 2018, and Figure 7-2 — Adopted Environmental Plans.

Findings: The Subject Property is within the boundaries of the Cully/Parkrose Community Plan, which was adopted by ordinance in 1986. The Hearings Officer finds the following aspects of the Cully/Parkrose Community Plan to be relevant:

Policy 4: Housing Location. *Attached residential and multifamily residential zones must meet the following locational requirements:*

- 1. Have direct access to an arterial or collector street;*
- 2. Avoid routing of through traffic on local neighborhood streets;*
- 3. Have public transit available or planned to be available within one-quarter mile of the site; and*
- 4. Be designed to be compatible with existing residential uses by the use of design features such as buffering, landscaping, screening, and building orientation.*

The proposed Multi-Dwelling 1,000 designation corresponds to the R1 multi-dwelling residential zone. This proposal would continue the existing R1 zoning which abuts the Subject Property on the southern portion of the block. While most of the Subject Property is currently zoned for single-dwelling houses, most of that area was already developed with apartments prior to annexation to the City of Portland.

Since this block directly abuts an arterial street (NE Weidler Street), and since the Subject Property is already developed with an apartment complex, the proposed Comprehensive Plan Map Amendment would not cause significant increases in through traffic on local neighborhood streets. Northeast Weidler Street and NE Halsey Street are south of the Subject Property and are served by two TriMet bus routes, #23 and #77.

Zoning Code Chapter 33.120 includes various design standards for the R1 zone which promote compatibility with nearby residential uses. Applicant's development proposal for this Subject Property is evaluated for neighborhood compatibility in the Conditional Use approval criteria later in this recommendation.

For these reasons, the Hearings Officer finds the proposal equally supports Policy 4 of the Cully/Parkrose Community Plan.

Policy 6: Citizen Involvement. *The important role of such groups as the Cully/Parkrose Community Group, neighborhood associations, and business organizations shall be recognized in involvement citizens in the discussion and review of land use issues. This shall be done by providing notice to recognized organizations of land use issues and*

creating opportunities for review and comment on proposed changes to this plan and its implementing measures.

The City mailed notice of this land use review application to neighbors within 400 feet of the Subject Property, the Parkrose Heights Neighborhood Association, the Hazelwood Neighborhood Association, the East Portland Neighborhood Office, and the Gateway Area Business Association. This notice was also posted on BDS' website.

In addition, per Zoning Code requirements, the Subject Property has been posted with signs advertising the public hearing. A summary of the proposal and a phone number to obtain further information are included on the signs.

The mailed notice clearly identified Applicant's proposal, the applicable approval criteria, the decision-making process, and the opportunity for interested parties to comment on the proposal and/or testify at two public hearings: one before the Hearings Officer and the other before City Council. The roles that staff, the Hearings Officer, the City Council, and other interested parties play in the land use review process were described in the notice.

For these reasons, the Hearings Officer finds the proposal equally supports Policy 6 of the Cully/Parkrose Community Plan.

Policy 8: Utilities

- A. Redevelopment should be predicated on the provision of adequate urban services including sewerage, water, and streets.*
- B. All utility lines should be placed underground.*

As discussed later in this recommendation, the proposed development on the Subject Property is subject to Zoning Code approval criteria for adequate urban services, including sewer, water, and streets. Applicant states that "all new utilities which are to be extended to the site are to be placed underground" (Exhibit A-5). The Hearings Officer finds the proposal equally supports Policy 8 of the Cully/Parkrose Community Plan.

Site Guidelines for Design Area 12 (Halsey/Weidler Strip and San Rafael Shopping Center):

- a. Provide street trees and landscaped areas with medium scale vegetation.*
- b. Provide linkages for pedestrians to the adjacent residential areas.*
- c. Buffer adjacent residences with vegetative screens.*
- d. Minimized paved areas through joint use of driveways, parking, and maneuvering areas.*

The proposed R1 zoning would require additional landscaped areas and trees on the Subject Property, including at the perimeters of the property (Zoning Code Sections 33.120.235.C.1, 33.266.130.G.2). Any Conditional Use on the Subject Property would also need to provide additional landscaping around the Subject Property perimeter (Zoning Code Section 33.120.275). The Zoning Code also requires development in the R1 zone to provide five-foot-wide, paved, pedestrian pathways to adjacent public sidewalks (Zoning Code Section 33.120.255). Since the Subject Property is adjacent to single-dwelling residential lots, shared use of driveways, parking, and maneuvering areas with neighboring properties is not practical. The Hearings Officer finds the proposal equally supports the Site Guidelines for Design Area 12.

Since the proposal is found to support each of the relevant policies of the Cully/Parkrose Community Plan discussed above, the Hearings Officer finds the proposed change equally supports Policy 1.19 of the Comprehensive Plan.

Policy 2.1 - Partnerships and coordination. Maintain partnerships and coordinate land use engagement with:

2.1.a. Individual community members.

2.1.b. Communities of color (including those whose families have been in this area for generations such as Native Americans, African Americans, and descendants of immigrants), low-income populations, Limited English Proficient (LEP) communities, Native American communities, immigrants and refugees, and other under-served and under-represented communities.

2.1.c. District coalitions, Neighborhood Associations, watershed councils, and business district associations as local experts and communication channels for place-based projects.

2.1.d. Businesses, unions, employees, and related organizations that reflect Portland's diversity as the center of regional economic and cultural activity.

2.1.e. Community-based, faith-based, artistic and cultural, and interest-based non-profits, organizations, and groups.

2.1.f. People experiencing disabilities.

2.1.g. Institutions, governments, and Sovereign tribes.

Policy 2.2 - Broaden partnerships. Work with district coalitions, Neighborhood Associations, and business district associations to increase participation and to help

them reflect the diversity of the people and institutions they serve. Facilitate greater communication and collaboration among district coalitions, Neighborhood Associations, business district associations, culturally-specific organizations, and community-based organizations.

Policy 2.3 - Extend benefits. *Ensure plans and investments promote environmental justice by extending the community benefits associated with environmental assets, land use, and public investments to communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. Maximize economic, cultural, political, and environmental benefits through ongoing partnerships.*

Policy 2.8 - Channels of communication. *Maintain two-way channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members.*

Policy 2.12 - Roles and responsibilities. *Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including community and neighborhood leadership, business, organizations, and individuals.*

Policy 2.13 - Project scope. *Establish clear expectations about land use project sponsorship, purpose, design, and how decision makers will use the process results.*

Policy 2.15 - Documentation and feedback. *Provide clear documentation for the rationale supporting decisions in planning and investment processes. Communicate to participants about the issues raised in the community involvement process, how public input affected outcomes, and the rationale used to make decisions.*

Policy 2.24 - Representation. *Facilitate participation of a cross-section of the full diversity of affected Portlanders during planning and investment processes. This diversity includes individuals, stakeholders, and communities represented by race, color, national origin, English proficiency, gender, age, disability, religion, sexual orientation, gender identity, and source of income.*

Policy 2.25 - Early involvement. *Improve opportunities for interested and affected community members to participate early in planning and investment processes, including identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.*

Policy 2.38 - Accommodation. *Ensure accommodations to let individuals with*

disabilities participate in administrative, quasi-judicial, and legislative land use decisions, consistent with or exceeding federal regulations.

Policy 2.39 - Notification. *Notify affected and interested community members and recognized organizations about administrative, quasi-judicial, and legislative land use decisions with enough lead time to enable effective participation. Consider notification to both property owners and renters.*

Policy 2.40 - Tools for effective participation. *Provide clear and easy access to information about administrative, quasi-judicial, and legislative land use decisions in multiple formats and through technological advancements and other ways.*

Policy 2.41 - Limited English Proficiency (LEP). *Ensure that limited English proficient (LEP) individuals are provided meaningful access to information about administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.*

Findings: The proposed Comprehensive Plan Map Amendment would allow the R1 zone to be applied to the Subject Property. The R1 zone is one of the City's multi-dwelling residential zones, and it allows a variety of housing types including single-dwelling houses, duplexes, townhouses, and apartment buildings. The R1 zone generally restricts development to residential uses. However, Group Living uses for more than 15 residents and institutional uses such as churches and schools can be allowed through Conditional Use Review.

The development standards of the R1 zone (Zoning Code Chapter 33.120) are intended to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

Applicant's specific proposal for the Subject Property is for new retirement apartments and a residential care facility, providing new housing opportunities for elderly and disabled persons. Additionally, PBOT would require Applicant to construct a paved bicycle and pedestrian pathway connecting NE 106th Avenue to NE San Rafael Street, two streets which are not currently connected by pavement. The Hearings Officer finds the proposal would generate benefits to the community, including to lower-income and vulnerable populations.

The City mailed notice of the proposed Comprehensive Plan Map Amendment to neighbors within 400 feet of the Subject Property, including both property owners and renters. The notice was mailed to 361 households (Exhibit D-4).

The notice was also mailed to the Parkrose Heights Neighborhood Association, the

Hazelwood Neighborhood Association, the East Portland Neighborhood Office, and to the Gateway Area Business Association.

In addition, per Zoning Code requirements, the Subject Property has been posted with signs advertising the public hearing. A summary of the proposal and a phone number to obtain further information are included on the signs.

Notice of the application and the public hearing was also posted on BDS' website.

The notice that was mailed and posted on-line clearly identified Applicant's proposal, the applicable approval criteria, the decision-making process, and the opportunity for interested parties to comment on the proposal and/or testify at two public hearings: one before the Hearings Officer and the other before City Council. The roles that staff, the Hearings Officer, the City Council, and other interested parties play in the land use review process were described in the notice.

BDS offers translation services so that non-English speakers can obtain information on land use reviews. The availability of translation services was advertised in multiple languages on the first page of the mailed notice (Exhibit D-5). The notice also included a phone number for persons with disabilities to call and request accommodations for the public hearing.

Finally, the Hearings Officer notes that Applicant held a non-required meeting with neighbors on January 30, 2017, to discuss the application in its early stages (Exhibit A-9).

Therefore, information about the proposal has been distributed broadly, and those interested in or potentially affected by the proposal have meaningful opportunities to participate in the decision-making process.

For the above reasons, the Hearings Officer finds the proposal equally supports Policies 2.1, 2.2, 2.3, 2.8, 2.12, 2.13, 2.15, 2.24, 2.25, 2.38, 2.39, 2.40, and 2.41.

GOAL 3.C - Focused growth. Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.

Policy 3.2 - Growth and stability. Direct the majority of growth and change to centers, corridors, and transit station areas, allowing the continuation of the scale and characteristics of Portland's residential neighborhoods.

Policy 3.4 - All ages and abilities. Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.

Policy 3.5 - Energy and resource efficiency. Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.

Policy 3.6 - Land efficiency. Provide strategic investments and incentives to leverage infill, redevelopment, and promote intensification of scarce urban land while protecting environmental quality.

Policy 3.10 - Rural, urbanizable, and urban land. Preserve the rural character of rural land outside the Regional Urban Growth Boundary. Limit urban development of urbanizable land beyond the City Limits until it is annexed and full urban services are extended.

Findings: Compared with the existing designations, the proposed Multi-Dwelling 1,000 designation increases the allowable residential density on the Subject Property. While not a requirement of the Comprehensive Plan Map Amendment, the specific development proposal for the Subject Property is intended to provide attractive, quality housing for retired persons and for people needing specialized care.

The Subject Property occupies the northern portion of a block which abuts NE Weidler Street, which is served by two TriMet bus routes, #23 and #77. Northeast 102nd Avenue is about a quarter-mile to the west of the site, and this street is also served by two TriMet bus routes, #22 and #87.

The Subject Property is immediately adjacent to the Metro-designated Gateway Regional Center, which is one of the most important service and employment centers in the city. Sidewalks connect the Subject Property to various destinations in the Gateway area. The Gateway Transit Center, which is served by three MAX light rail lines, is within a 20-minute walk of the Subject Property.

The proposal supports energy efficiency, environmental quality, and efficient use of urban land use by increasing housing opportunities within walking distance of existing transit service (thereby increasing the efficiency and viability of the transit system) and within walking distance of the services and amenities in the Gateway Regional Center.

Furthermore, the current designation which applies to most of the Subject Property is primarily for single-dwelling houses, while the proposed designation is for multi-dwelling residential development. A residential unit in a multi-dwelling building is typically smaller and consumes fewer resources than a single-dwelling house.

Since the Subject Property is well within the Urban Growth Boundary, the increase in allowable density on the Subject Property reduces outward pressure on the Urban Growth

Boundary. This in turn helps to preserve the rural character of land outside the Urban Growth Boundary.

The five single-dwelling houses within the Subject Property boundaries (along NE 106th Avenue) would be demolished and replaced with a residential memory care facility. For the most part, however, the stability of the lower-density residential neighborhood surrounding the Subject Property would be maintained. Most of the Subject Property is already developed with apartment buildings that were constructed before the property's annexation to the City of Portland.

For these reasons, the Hearings Officer finds the proposed designation equally supports Goal 3C and Policies 3.2, 3.4, 3.5, 3.6, and 3.10.

Policy 3.95 - Eastern Neighborhoods buttes. Enhance public views of the area's skyline of buttes and stands of tall Douglas fir trees.

Findings: The Conditional Use Master Plan that is also being considered as part of this land use review maintains a large number of mature broadleaf and evergreen trees, including many Douglas firs. The existing tree canopy to be preserved is much taller than the one-story and two-story buildings on the Subject Property. In addition, many new trees would be planted in areas of the Subject Property where existing trees would be removed for new construction. These new trees would also grow substantially taller than the adjacent buildings over time. Therefore, the Subject Property would continue to support a treed skyline in the area. For this reason, the Hearings Officer finds the proposal is equally supportive of Policy 3.95.

Policy 3.97 - Eastern Neighborhoods active transportation. Enhance access to centers, employment areas, and other community destinations in Eastern Neighborhoods by ensuring that corridors have safe and accessible pedestrian and bicycle facilities and creating additional secondary connections that provide low-stress pedestrian and bicycle access.

Policy 4.5 - Pedestrian-oriented design. Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

Policy 4.6 - Street orientation. Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.

Findings: The concurrent Conditional Use Master Plan developments would trigger a PBOT

requirement for a public, paved bicycle and pedestrian pathway connecting NE 106th Avenue to NE San Rafael Street, two streets which are not currently connected by pavement. This pathway would improve the pedestrian and bicycle network in the neighborhood with a new, low-stress connection which is separated from vehicular traffic.

The R1 zone, which corresponds to the Multi-Dwelling 1,000 designation, requires buildings to provide a minimum percentage of windows on street-facing facades and to be connected to public sidewalks by paved, five-foot-wide pedestrian pathways (Zoning Code Sections 33.120.232 and 33.120.255). The Conditional Use Master Plan developments would fully comply with these requirements.

For these reasons, the Hearings Officer finds that compared to the current designations, the proposed designation is equally or more supportive of Policies 3.97, 4.5, and 4.6.

Policy 4.11 - Access to light and air. Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating urban-scale development.

Policy 4.15 - Residential area continuity and adaptability. Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.

Policy 4.16 - Scale and patterns. Encourage design and development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow for a range of architectural styles and expression.

Policy 4.30 - Scale transitions. Create transitions in building scale in locations where higher-density and higher-intensity development is adjacent to smaller-scale single-dwelling zoning. Ensure that new high-density and large-scale infill development adjacent to single dwelling zones incorporates design elements that soften transitions in scale and limit light and privacy impacts on adjacent residents.

Policy 4.73 - Design with nature. Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation.

Findings: The Single-Dwelling 7,000 designation which currently applies to most of the

Subject Property corresponds to the R7 zone, which largely restricts outright-permitted residential development to single-dwelling houses. (Duplexes are allowed on corner lots in some instances.)

The proposed Multi-Dwelling 1,000 designation corresponds to the R1 zone, which allows a broader range of living environments, including single-dwelling houses, duplexes, townhouses, and apartment buildings. The allowance for apartment buildings in the R1 zone increases the potential for smaller, more affordable new housing units than single-dwelling houses.

The R1 zone contains minimum side and rear building setback requirements that increase in depth as the planes of building walls get larger. This ensures appropriate transitions between larger structures and adjacent lots. Additionally, the R1 zone requires that all setbacks be landscaped.

The new housing proposed for the Subject Property in the Conditional Use Master Plan includes apartments for retirees and a residential facility for people needing specialized care.

The residential neighborhood surrounding the Subject Property to the west, north, and east is characterized by single-story houses and tall trees. The Master Plan supports compatibility with the neighborhood and maintains light, air, and privacy for neighbors by limiting building height (one-story for the memory care building and two-stories for the new apartment building) and by placing the new buildings further than required from lot lines. Even without the limited building heights in the Master Plan proposal, the R1 zone limits maximum building height to 45 feet, with the maximum height reduced to 25 feet for portions of buildings within 10 feet of a front lot line. This provides an appropriate transition to the surrounding R7 zone, which allows buildings heights of up to 30 feet.

The Conditional Use Master Plan maintains a large number of mature broadleaf and evergreen trees, and many new trees would be planted in areas of the Subject Property where existing trees would be removed for new construction. Trees and other landscaping would be planted between the new buildings and the lot lines, softening the appearance of the new development from the street and from neighboring property. The R1 zone's development standards require landscaping within setbacks and a minimum percentage of the site area to be landscaped.

Besides tree planting and preservation, the proposal supports watershed health by infiltrating stormwater on-site with a combination of basins, planters, and drywells.

For these reasons, the Hearings Officer finds that compared to the current designations, the proposed designation is more supportive of Policy 4.15 and equally supportive of

Policies 4.11, 4.16, 4.30, and 4.73.

Policy 4.19 - Resource efficient and healthy residential design and development. Support resource efficient and healthy residential design and development. See other related policies later in this chapter and in Chapter 5: Housing.

Policy 4.61 - Compact housing. Promote the development of compact, space- and energy-efficient housing types that minimize use of resources such as smaller detached homes or accessory dwellings and attached homes.

Policy 4.69 - Reduce carbon emissions. Encourage a development pattern that minimizes carbon emissions from building and transportation energy use.

Goal 7.A: Climate. Carbon emissions are reduced to 50 percent below 1990 levels by 2035.

Findings: The current designation which applies to most of the Subject Property is primarily for single-dwelling houses, while the proposed designation is for multi-dwelling residential development. A residential unit in a multi-dwelling building is typically smaller and consumes fewer resources than a single-dwelling house.

In addition, the proposal supports alternatives to single-occupancy vehicle trips by increasing housing density on a site within a quarter-mile of four TriMet bus lines and adjacent to the Gateway Regional Center, one of the major employment and service centers in the city. Destinations within the Gateway Regional Center are within walking distance of the Subject Property. The Gateway Transit Center, which is served by three MAX light rail lines, is within a 20-minute walk.

Therefore, the Hearings Officer finds the proposed designation better promotes energy efficiency, compact housing, and reduced carbon emissions than the existing designations. The Hearings Officer finds the proposed designation is more supportive of Policies 4.19, 4.61, and 4.69, and Goal 7.A.

Goal 5.A: Housing diversity. Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.

Goal 5.B: Equitable access to housing. Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

Goal 5.D: Affordable housing. *Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.*

Policy 5.1 - Housing supply. *Maintain sufficient residential development capacity to accommodate Portland's projected share of regional household growth.*

Policy 5.2 - Housing growth. *Strive to capture at least 25 percent of the seven-county region's residential growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).*

Policy 5.4 - Housing types. *Encourage new and innovative housing types that meet the evolving needs of Portland households, and expand housing choices in all neighborhoods. These housing types include but are not limited to single-dwelling units; multi-dwelling units; accessory dwelling units; small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing; and clustered housing/clustered services.*

Policy 5.7 - Adaptable housing. *Encourage adaption of existing housing and the development of new housing that can be adapted in the future to accommodate the changing variety of household types.*

Findings: The Single-Dwelling 7,000 designation which currently applies to most of the Subject Property anticipates up to 6.2 dwelling units per acre, and the corresponding R7 zone generally restricts development to single-dwelling houses. The Multi-Dwelling 2,000 designation which currently applies to the southern portion of the Subject Property anticipates up to 21.8 dwelling units per acre, and up to 32 dwelling units per acre in some situations. The proposed Multi-Dwelling 1,000 designation for the Subject Property anticipates up to 43 dwelling units per acre, and up to 65 dwelling units per acre in some situations.

The R1 zone which corresponds to the proposed Multi-Dwelling 1,000 designation allows a broader range of housing types than the R7 zone, including single-dwelling houses, duplexes, townhouses, and apartment buildings. The allowance for multi-dwelling residential buildings in the R1 zone increases the potential for smaller, more affordable new housing units than single-dwelling houses.

Increasing the allowable residential density on the Subject Property would expand Portland's housing supply and therefore help to absorb population growth within the city. The proposed Conditional Use Master Plan for the Subject Property would develop new rental housing for older adults, including apartments for retirees and a residential facility for those needing specialized care.

For these reasons, the Hearings Officer finds the proposed designation better supports Goals 5.A, 5.B, and 5.D and Policies 5.1, 5.2, 5.4, and 5.7.

Goal 5.C: Healthy connected city. *Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.*

Policy 5.6 - Middle housing. *Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.*

Policy 5.21 - Access to opportunities. *Improve equitable access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities in areas with high concentrations of under-served and under-represented populations and an existing supply of affordable housing.*

Policy 5.23 - Higher-density housing. *Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.*

Findings: The proposal would increase the allowable residential density on a property which is immediately adjacent to the Gateway Regional Center, one of the major employment and service centers and multi-modal transportation hubs in the city. The Subject Property is within a quarter-mile of four TriMet bus lines and within walking distance to destinations in the Gateway Regional Center. The Gateway Transit Center, which is served by three MAX light rail lines, is within a 20-minute walk.

Since the proposed designation would allow multi-dwelling residential buildings, and the existing designation which applies to most of the Subject Property restricts development to single-dwelling houses, the proposal supports the development of relatively smaller, less expensive housing units.

The proposal also promotes a scale transition between the Gateway Regional Center south of the Subject Property and the lower-density residential neighborhood which surrounds the Subject Property on the west, north, and east. Zoning in the Gateway Regional Center allows taller, more intense development than would be allowed on the Subject Property

with the proposed designation (Zoning Code Chapter 33.526).

For these reasons, the Hearings Officer finds the proposed designation is more supportive than the existing designations of Goal 5.C and Policies 5.6, 5.21, and 5.23.

Policy 5.8 - Physically-accessible housing. Allow and support a robust and diverse supply of affordable, accessible housing to meet the needs of older adults and people with disabilities, especially in centers, station areas, and other places that are proximate to services and transit.

Policy 5.10 - Coordinate with fair housing programs. Foster inclusive communities, overcome disparities in access to community assets, and enhance housing choice for people in protected classes throughout the city by coordinating plans and investments to affirmatively further fair housing.

Policy 5.11 - Remove barriers. Remove potential regulatory barriers to housing choice for people in protected classes to ensure freedom of choice in housing type, tenure, and location.

Policy 5.14 - Preserve communities. Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established communities.

Policy 5.15 - Gentrification/displacement risk. Evaluate plans and investments, significant new infrastructure, and significant new development for the potential to increase housing costs for, or cause displacement of communities of color, low- and moderate-income households, and renters. Identify and implement strategies to mitigate the anticipated impacts.

Policy 5.19 - Aging in place. Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.

Findings: The proposed Comprehensive Plan Map Amendment would allow the R1 multi-dwelling residential zone to be applied to the Subject Property. The proposed R1 designation allows a greater variety and density of housing than the existing R7 and R2 zones on the Subject Property.

In early 2017, the City of Portland implemented inclusionary housing requirements for buildings with 20 or more residential units. The inclusionary housing regulations require developers to provide some dwelling units that are permanently affordable to households earning 60 percent or 80 percent of the area's median family income. Various options for

compliance are provided (Zoning Code Chapter 33.245).

The Single-Dwelling 7,000 designation which currently applies to most of the Subject Property corresponds to the R7 zone, which does not allow multi-dwelling residential buildings that may trigger inclusionary housing requirements.

The Conditional Use Master Plan proposal for the Subject Property would not be subject to inclusionary housing regulations because the Conditional Use Master Plan application was filed before those regulations were in effect. However, future development proposals for the Subject Property outside of the Conditional Use Master Plan would be subject to the inclusionary housing regulations of Zoning Code Chapter 33.245.

The proposed Conditional Use Master Plan would develop new rental housing for older adults adjacent to the Gateway Regional Center, including apartments for retirees and a residential facility for those needing specialized care.

The new buildings would be attractive but modest, and the investment in the property would increase the housing security of the older adults already living there by reducing the likelihood that the entire property would be demolished and redeveloped anytime soon.

The new construction would be required to comply with accessibility requirements from the Americans With Disabilities Act (ADA) and the Oregon Building Code, and the operation of the property would be required to comply with all applicable fair housing regulations.

For these reasons, the Hearings Officer finds the proposed designation is equally or more supportive of Policies 5.8, 5.10, 5.11, 5.14, 5.15, and 5.19.

Policy 5.26 - Regulated affordable housing target. Strive to produce and fund at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.

Policy 5.27 - Funding plan. Encourage development or financial or regulatory mechanisms to achieve the regulated affordable housing target set forth for 2035.

Policy 5.29 - Permanently-affordable housing. Increase the supply of permanently-affordable housing, including both rental and homeownership opportunities.

Policy 5.32 - Affordable housing in centers. Encourage income diversity in and around centers by allowing a mix of housing types and tenures.

Policy 5.35 - Inclusionary housing. Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of

market-rate housing. Work to remove regulatory barriers that prevent the use of such tools.

Policy 5.38 - Workforce housing. *Encourage private development of a robust supply of housing that is affordable to moderate-income households located near convenient multimodal transportation that provides access to education and training opportunities, the Central City, industrial districts, and other employment areas.*

Policy 5.43 - Variety in homeownership opportunities. *Encourage a variety of ownership opportunities and choices by allowing and supporting including but not limited to condominiums, cooperatives, mutual housing associations, limited equity cooperatives, land trusts, and sweat equity.*

Findings: The proposed Multi-Dwelling 1,000 designation corresponds to the R1 zone, which allows multi-dwelling residential buildings. In early 2017, the City of Portland implemented inclusionary housing requirements for buildings with 20 or more residential units. The inclusionary housing regulations require developers to provide some dwelling units that are permanently affordable to households earning 60 percent or 80 percent of the area's median family income. Various options for compliance are provided (Zoning Code Chapter 33.245).

The Single-Dwelling 7,000 designation which currently applies to most of the Subject Property corresponds to the R7 zone, which does not allow multi-dwelling residential buildings that may trigger inclusionary housing requirements.

The Conditional Use Master Plan proposal for the Subject Property would not be subject to inclusionary housing regulations because the Conditional Use Master Plan application was filed before those regulations were in effect. However, future development proposals for the Subject Property would be subject to inclusionary housing regulations.

Over the long term, the proposed designation would allow more permanently-affordable housing units on the Subject Property which is immediately adjacent to the Gateway Regional Center, one of the most important employment and service centers and multi-modal transportation hubs in the city. Compared to the current designations, future development under the proposed designation could also increase the variety in homeownership opportunities adjacent to the Gateway Regional Center, although the current proposal is for rental housing.

For these reasons, staff finds the proposed designation is more supportive of Policies 5.26, 5.27, 5.29, 5.32, 5.35, 5.38, and 5.43 than the current designations.

Policy 7.11 - Urban forest. *Improve, or support efforts to improve the quantity,*

quality, and equitable distribution of Portland's urban forest through plans and investments.

7.11.a. Tree preservation. *Require and incent preservation of large healthy trees, native trees and vegetation, tree groves, and forested areas.*

7.11.b. Urban forest diversity. *Coordinate plans and investments with efforts to improve tree species diversity and age diversity.*

7.11.c. Tree canopy. *Coordinate plans and investments toward meeting City tree canopy goals.*

7.11.d. Tree planting. *Invest in tree planting and maintenance, especially in low-canopy areas, neighborhoods with under-served or under-represented communities, and within and near urban habitat corridors.*

7.11.e. Vegetation in natural resource areas. *Require native trees and vegetation in significant natural resource areas.*

7.11.f. Resilient urban forest. *Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.*

7.11.g. Trees in land use planning. *Identify priority areas for tree preservation and planting in land use plans, and incent these actions.*

7.11.h. Managing wildfire risk. *Address wildfire hazard risks and management priorities through plans and investments.*

Findings: Development on the Subject Property would be subject to the City's Title 11 (Tree Code) requirements for tree preservation and minimum tree density. Additional landscaping requirements that include tree planting throughout the Subject Property would be required under the Zoning Code regulations for the R1 zone.

The Conditional Use Master Plan for the Subject Property proposes to maintain a large number of mature broadleaf and evergreen trees distributed throughout the Subject Property. To be preserved would be variety of trees, including, but limited to, a stand of tall Douglas firs. In addition, many new trees would be planted in areas of the Subject Property where existing trees would be removed for new construction. The new tree planting would be required to meet the species diversity standard in Zoning Code Section 33.248.030.D.3. For these reasons, the Hearings Officer finds the proposed designation equally supports Policy 7.11.

Goal 8.D: Public rights-of-way. *Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement*

and travel, public and private utilities, and other appropriate public functions and uses.

Policy 8.3 - Urban service delivery. *Provide the following public facilities and services at urban levels of service to urban lands within the City's boundaries of incorporation:*

- *Public rights-of-way, streets, and public trails*
- *Sanitary sewers and wastewater treatment*
- *Stormwater management and conveyance*
- *Flood management*
- *Protection of the waterways of the state*
- *Water supply*
- *Police, fire, and emergency response*
- *Parks, natural areas, and recreation*
- *Solid waste regulation*

Policy 8.21 - System capacity. *Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.*

Policy 8.39 - Interconnected network. *Establish a safe and connected rights-of-way system that equitably provides infrastructure services throughout the city.*

Policy 8.40 - Transportation function. *Improve and maintain the right-of-way to support multimodal transportation mobility and access to goods and services as is consistent with the designated street classification.*

Policy 8.42 - Stormwater management function. *Improve rights-of-way to integrate green infrastructure and other stormwater management facilities to meet desired levels-of-service and economic, social, and environmental objectives.*

Policy 8.61 - Sewer connections. *Require all developments within the city limits to be connected to sanitary sewers unless the public sanitary system is not physically or legally available per City Code and state requirements; or the existing onsite septic system is functioning properly without failure or complaints per City Code and state requirements; and the system has all necessary state and county permits.*

Policy 8.68 - Stormwater facilities. *Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.*

Policy 8.73 - On-site stormwater management. Encourage on-site stormwater management, or management as close to the source as practical, through land use decisions and public facility investments.

Findings: The proposed Multi-Dwelling 1,000 designation corresponds to the R1 multi-dwelling residential zone. To the extent that the public services approval criterion in Zoning Code Section 33.855.050.B for the Zoning Map Amendment to R1 is met, the proposal is consistent with providing adequate utilities and other public services. As discussed later in this recommendation, the Hearings Officer finds the approval criterion in Zoning Code Section 33.855.050.B can be met for each of the factors mentioned in Goal 8.9 and the policies above. Therefore, the Hearings Officer finds the proposed designation equally supports Goal 8.D and Policies 8.3, 8.21, 8.39, 8.40, 8.42, 8.61, 8.68, and 8.73.

Policy 8.43 - Trees in rights-of-way. Integrate trees into public rights-of-way to support City canopy goals, transportation functions, and economic, social, and environmental objectives.

Findings: The developments in the proposed Conditional Use Master Plan would require Applicant to plant new street trees in the public rights-of-way adjacent to the Subject Property. Since the new street trees would not be required without this proposal, the Hearings Officer finds the proposal is more supportive of Policy 8.43.

Policy 8.47 - Flexible design. Allow flexibility in right-of-way design and development standards to appropriately reflect the pattern area and other relevant physical, community, and environmental contexts and local needs.

Findings: PBOT originally planned to require full street improvements to connect NE 106th Avenue to NE San Rafael Street within the existing, unimproved public right-of-way adjacent to the northwest corner of the Subject Property. However, Applicant obtained a Public Works Appeal approval to construct a bicycle and pedestrian pathway through that right-of-way instead. This flexibility allows the right-of-way design to better reflect neighbors' preferences (Exhibit F-1) and preserve existing trees that contribute to the neighborhood character. For this reason, the Hearings Officer finds the proposal is equally supportive of Policy 8.47.

Policy 8.104 - Emergency preparedness, response, and recovery coordination. Coordinate land use plans and public facility investments between City bureaus, other public and jurisdictional agencies, businesses, community partners, and other emergency response providers, to ensure coordinated and comprehensive emergency and disaster risk reduction, preparedness, response, and recovery.

Findings: The Police Bureau and the Fire Bureau were both notified of the proposal and

asked to comment. The Fire Bureau stated that public services for fire protection and access would be adequate for the proposal (Exhibit E-4), and the Police Bureau responded that police can provide adequate services to the Subject Property (Exhibit E-8). For these reasons, the Hearings Officer finds the proposal equally supports Policy 8.104.

Policies for Chapter 9 - Transportation

Findings: The relevant goals and policies in Chapter 9 - Transportation were analyzed by PBOT, and PBOT found the proposed Multi-Dwelling 1,000 designation to be equally supportive of Chapter 9. Specifically, PBOT responded as follows (Exhibit E-2):

PBOT staff reviewed the findings provided by Applicant's land use consultant and traffic engineer. PBOT concurred with the findings that with conditions, all applicable transportation evaluation factors can be satisfied.

[Hearings Officer note: A review of PBOT's memo in Exhibit E-2 shows that the "conditions" referred to in the paragraph above are related to the Zoning Map Amendment approval criteria discussed later in this recommendation, not the Comprehensive Plan Map Amendment discussed in this section of the recommendation. PBOT, as noted in the quoted material below, recommended no conditions of approval for the Comprehensive Plan Map Amendment.]

"Chapter 9: Transportation"

Policy 9.1 - Street design classifications. Maintain and implement street design classifications consistent with land use plans, environmental context, urban design pattern areas, and the Neighborhood Corridor and Civic Corridor Urban Design Framework designations.

Policy 9.2 - Street policy classifications. Maintain and implement street policy classifications for pedestrian, bicycle, transit, freight, emergency vehicle, and automotive movement, while considering access for all modes, connectivity, adjacent planned land uses, and state and regional requirements.

Applicant's Finding: The Hearings Officer can find that the above policies do not apply because the application does not propose any changes to a street classification set forth in the TSP.

Policy 9.4 - Use of classifications. Plan, develop, implement, and manage the transportation system in accordance with street design and policy classifications outlined in the Transportation System Plan.

Applicant's Finding: NE 108th Avenue, NE San Rafael Street and NE 106th Avenue are classified as a Local Service Traffic Streets. The property does not have any frontage on NE Weidler Street. The TSP states that Local Service Traffic streets are intended to distribute local traffic and provide access to local residences or commercial uses. Local Service Transit streets should give preference to access for individual properties and to the specific needs of property owners and residents along the street. These streets may carry school buses. Local Service Bike streets should not have a side effect of creating, accommodating or encouraging automobile through-traffic. Local Service Walkways are usually located in residential, commercial or industrial areas on Local Service Traffic streets. Local Service Design streets are multimodal, but are not intended for trucks (other than local deliveries) in residential areas. Their design includes many connections with other streets, sidewalk and on-street parking. The street system in the area surrounding this site provides a transportation system that serves all modes. The proposal is consistent with the previously referenced street classifications for the abutting streets. These policies are met.

In August of 2017, a project manager from the City's Capital Projects Department notified the applicant that NE 106th is included within a federally-funded project called the East Portland Access to Employment and Education (EPATEE). The East Portland Access to Employment & Education is a transportation project that will provide workers and families of all incomes lower cost access to jobs, businesses and education opportunities by building and improving sidewalks, street crossings, bus stops, bikeway facilities and other safety improvements in East Portland. The proposed development will include proportional improvements consistent with the EPATEE plan and goals.

Policy 9.5 - Mode share goals and Vehicle Miles Travelled (VMT) reduction. *Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.*

Policy 9.6 - Transportation strategy for people movement. *Implement a prioritization of modes for people movement by making transportation system decisions according to the following ordered list:*

1. Walking
2. Bicycling
3. Transit

4. *Taxi / commercial transit / shared vehicles*
5. *Zero emission vehicles*
6. *Other single-occupant vehicles*

When Implementing this prioritization, ensure that:

- *The needs and safety of each group of users are considered, and changes do not make existing conditions worse for the most vulnerable users higher on the ordered list.*
- *All users' needs are balanced with the intent of optimizing the right way for multiple modes on the same street.*
- *When necessary to ensure safety, accommodate some users on parallel streets as part of a multi-street corridor.*
- *Land use and system plans, network functionality for all modes, other street functions, and complete street policies, are maintained.*
- *Policy-based rationale is provided if modes lower in the ordered list are prioritized.*

Applicant's Finding: *The Hearings Officer can find that these policies do not apply to the proposed Comprehensive Plan/Zone Map Amendment because they call for transportation planning actions by the City which are not affected by the proposed change from R-2/R-7 to R-1. Should the Hearings Officer find that these policies apply, the Hearings Officer can find that the proposal is consistent with these policies for the following reasons:*

All the adjacent streets are classified as local service transit streets. A Tri-Met bus stop is located near the property, at Weidler and 106th Ave. This is a stop for lines 23 and 77. Transit service to the property is adequate, and the proposal has the potential to increase transit ridership and serve those who rely on transit.

For Local Service streets abutting R1-zoned lots, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and 0.5-ft wide furnishing zone. As mentioned previously, the expected development on the subject site will trigger right-of-way improvements to be constructed to the satisfaction of the City Engineer and consistent with the above referenced standards. The required right-of-way improvements— including new sidewalks along both site frontages—associated with the expected development on the subject site will facilitate and enhance the existing pedestrian environment. According to the Portland Bike/Walk Map, there are designated bicycle facilities in proximity to the subject site including bike lanes in the NE Weidler/NE Halsey

couplet and shared roadways designated on NE Tillamook and NE 11th. The proposal will not adversely impact these facilities.

Policy 9.7 - Moving goods and delivering services. *In tandem with people movement, maintain efficient and reliable movement of goods and services as a critical transportation system function. Prioritize freight system reliability improvements over single-occupancy vehicle mobility where there are solutions that distinctly address those different needs.*

Applicant's Finding: *The Hearings Officer can find that this Policy does not apply to the proposed Comprehensive Plan/Zone Map Amendment because it calls for transportation planning actions by the City which are not affected by the proposed change from R-2/R-7 to R-1. Should the Hearings Officer find that this policy applies, the Hearings Officer can find that the proposal is consistent with that policy because the application does not change a TSP freight designation and because the property is easily accessible to freight vehicles.*

Policy 9.8 - Affordability. *Improve and maintain the transportation system to increase access to convenient and affordable transportation options for all Portlanders especially those who have traditionally been under-served or under-represented or have historically borne unequal burdens.*

Policy 9.9 - Accessible and age-friendly transportation system. *Ensure that transportation facilities are accessible to people of all ages and abilities, and that all improvements to the transportation system (traffic, transit, bicycle, and pedestrian) in the public right-of-way comply with the Americans with Disabilities Act of 1990. Improve and adapt the transportation system to better meet the needs of the most vulnerable users, including the young, older adults, and people with different abilities.*

Applicant's Finding: *The Hearings Officer can find that these policies do not apply to the proposed Comprehensive Plan/Zone Map Amendment because they call for transportation planning actions by the City which are not affected by the proposed change from R-2/R-7 to R-1. Should the Hearings Officer find that these policies apply, the Hearings Officer can find that the proposal is consistent with these policies because one Tri-Met bus stop is located near the property, at Weidler and 106th Ave. Sidewalks are present along NE San Rafael, NE 108th, and NE Weidler.*

Policy 9.11 - Land use and transportation coordination. *Implement the Comprehensive Plan Map and the Urban Design Framework though*

coordinated long-range transportation and land use planning. Ensure that street policy and design classifications and land uses complement one another.

Policy 9.13 - Development and street design. *Evaluate adjacent land uses to help inform street classifications in framing, shaping, and activating the public space of streets. Guide development and land use to create the kinds of places and street environments intended for different types of streets.*

Applicant's Finding: *The Hearings Officer can find that these policies do not apply to the proposed Comprehensive Plan/Zone Map Amendment because they call for transportation planning actions by the City which are not affected by the proposed change from R-2/R-7 to R-1. Should the Hearings Officer find that these policies apply, the Hearings Officer can find that the proposal is consistent with these policies for the following reasons:*

First, the application does not propose a change to the TSP.

Second, the application includes a proposed trip cap that will ensure that surrounding transportation facilities are not adversely impacted by the additional vehicle trips generated by the proposal.

Policy 9.15 - Repurposing street space. *Encourage repurposing street segments that are not critical for transportation connectivity to other community purposes.*

Policy 9.16 - Design with nature. *Promote street and trail alignments and designs that respond to topography and natural features, when feasible, and protect streams, wildlife habitat, and native trees.*

Applicant's Finding: *Proposed improvements to NE 106th Avenue are planned for construction by the applicant along with on-site development activities. These improvements include the provision of a bike/pedestrian pathway which will be routed through the existing Douglas fir grove located at the northern end of NE 106th. These policies are met.*

Policy 9.17 - Pedestrian transportation. *Encourage walking as the most attractive mode of transportation for most short trips, within neighborhoods and to centers, corridors, and major destinations, and as a means for accessing transit.*

Policy 9.18 - Pedestrian networks. Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.

Policy 9.19 - Pedestrian safety and accessibility. Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.

Policy 9.20 - Bicycle transportation. Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.

Policy 9.21 - Accessible bicycle system. Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

Applicant's Finding: The Hearings Officer can find that these policies do not apply to the proposed Comprehensive Plan/Zone Map Amendment because they call for transportation planning actions by the City which are not affected by the proposed change from R-2/R-7 to R-1. Should the Hearings Officer find that these policies apply, the Hearings Officer can find that the proposal is consistent these policies for the following reasons:

For Local Service streets abutting R1-zoned lots, the City's Pedestrian Design Guide recommends an 11-ft wide sidewalk corridor comprised of a 0.5-ft curb, 4-ft wide furnishing zone, 6-ft wide sidewalk and 0.5-ft wide furnishing zone. As mentioned previously, the expected development on the subject site will trigger right-of-way improvements to be constructed to the satisfaction of the City Engineer and consistent with the above referenced standards. The required right-of-way improvements—including new sidewalks along both site frontages—associated with the expected development on the subject site will facilitate and enhance the existing pedestrian environment. According to the Portland Bike/Walk Map, there are designated bicycle facilities in proximity to the subject site including bike lanes in the NE Weidler/NE Halsey couplet and shared roadways designated on NE Tillamook and NE 11th. The proposal will not adversely impact these facilities.

Policy 9.22 - Public transportation. Coordinate with public transit agencies to create conditions that make transit the preferred mode of travel for trips that are not made by walking or bicycling.

Applicant's Finding: All adjacent streets are classified as local service transit streets. A Tri-Met bus stop is located near the property, at Weidler and 106th Ave. This stop is for lines 23 and 77. Transit service to the property is

adequate, and the proposal has the potential to increase transit ridership and serve those who rely on transit. These policies are met.

Policy 9.29 - Regional trafficways and transitways.

Policy 9.30 - Multimodal goods movement

Policy 9.31 - Economic development and industrial lands.

Policy 9.32 - Multimodal system and hub.

Policy 9.33 - Freight network.

Policy 9.34 - Sustainable freight system.

Policy 9.35 - Freight rail network

Policy 9.36 - Portland Harbor.

Policy 9.37 - Portland Heliport.

Applicant's Finding: *These policies are not applicable to a residential facility on local service traffic streets.*

Policy 9.38 - Automobile transportation. *Maintain acceptable levels of mobility and access for private automobiles while reducing overall vehicle miles traveled (VMT) and negative impacts of private automobiles on the environment and human health.*

Applicant's Finding: *The applicant has submitted a formal Transportation Impact Study (Appendix D) which addresses access, traffic impacts, transportation facilities, and the impacts of the site's development on the surrounding transportation system. The proposed change to the comprehensive plan and zoning map and the proposed developments on the site will not have significant negative effects upon the City's traffic or transit services.*

Policy 9.41 - Portland International Airport.

Policy 9.42 - Airport regulations.

Policy 9.43 - Airport partnerships.

Policy 9.44 - Airport investments.

Applicant's Finding: *These policies are not applicable to a residential facility on local service traffic streets.*

Policy 9.45 - System management. *Give preference to transportation improvements that use existing roadway capacity efficiently and that improve the safety of the system for all users.*

Policy 9.46 - Traffic management. Evaluate and encourage traffic speed and volume to be consistent with street classifications and desired land uses to improve safety, preserve and enhance neighborhood livability, and meet system goals of calming vehicle traffic through a combination of enforcement, engineering, and education efforts.

Policy 9.47 - Connectivity. Establish an interconnected, multimodal transportation system to serve centers and other significant locations. Promote a logical, direct, and connected street system through street spacing guidelines and district-specific street plans found in the Transportation System Plan, and prioritize access to specific places by certain modes in accordance with policies 9.6 and 9.7.

Applicant's Finding: The applicant has submitted a formal Transportation Impact Study (Appendix D) which addresses access, traffic impacts, transportation facilities, and the impacts of the site's development on the surrounding transportation system. The proposed change to the comprehensive plan and zoning map and the proposed developments on the site will not have significant negative effects upon the City's traffic or transit services.

The applicant's proposed design for NE 106th Avenue will provide a pedestrian pathway through an existing tree-grove in-lieu of a full street connection to NE San Rafael. The proposal will only provide access for emergency vehicles to the site from NE 106th Avenue. The connectivity requirements have been balanced against Nollan/Dolan rough proportionality requirements. Though the applicant opposes a requirement to extend NE 106th to San Rafael, the proposal will provide a substantial bicycle and pedestrian improvement through the existing tree grove, thereby increasing bicycle and pedestrian connectivity.

Policy 9.58 - Off-street parking. Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand. Strive to provide adequate but not excessive off-street parking where needed, consistent with the preceding practices.

Policy 9.59 - Share space and resources. Encourage the shared use of parking and vehicles to maximize the efficient use of limited urban space.

Applicant's Finding: The proposal will provide for an increase in density in an area readily served by multi-modal transportation systems. The facility provides private shared-parking services to residents of the memory care and assisted living facility, further reducing the need for private automobiles and parking areas. Shared parking facilities are provided for residents and workers on site, which will reduce the number of driveways on the public street, allowing for additional on-street parking. Parking requirements are implemented through the Portland Community Code Section 33.266. The proposed development will provide a total of 71 parking spaces in an off-street parking area.

Policy 9.61 - Bicycle parking. Promote the development of new bicycle parking facilities including dedicated bike parking in the public right-of-way. Provide sufficient bicycle parking at high-capacity transit stations to enhance bicycle connection opportunities. Require provision of adequate off-street bicycle parking for new development and redevelopment. Encourage the provision of parking for different types of bicycles. In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.

Applicant's Finding: The proposal will provide bicycle parking consistent with the use of the site. The East Portland Access to Employment & Education transportation project will provide bikeway facilities and other safety improvements in East Portland.

Policy 9.62 - Coordination. Coordinate with state and federal agencies, local and regional governments, special districts, other City bureaus, and providers of transportation services when planning for, developing, and funding transportation facilities and services.

Applicant's Finding: The proposal has been developed in coordination with the City's Bureau of Transportation, Public Works Bureau and the project manager of the East Portland Access to Employment & Education program. The proposal includes a trip cap that limits the development potential of the site to what would be allowed under the existing zoning.

Policy 9.63 - New development impacts. Prevent, reduce, and mitigate the impacts of new development and redevelopment on the transportation system. Utilize strategies including transportation and parking demand

management, transportation system analysis, and system and local impact mitigation improvements and fees.

Applicant's Finding: The applicant has submitted a formal Transportation Impact Study (Appendix D) which addresses access, traffic impacts, transportation facilities, and the impacts of the site's development on the surrounding transportation system. The proposed change to the comprehensive plan and zoning map and the proposed developments on the site will not have significant negative effects upon the City's traffic or transit services."

BDS Staff, summarized the PBOT Chapter 9 comments as follows:

"Based on PBOT's findings above, staff finds the proposed Multi-Dwelling 1,000 designation to be equally consistent with the goals and policies in Chapter 9 – Transportation."

Hearings Officer summarized findings related to Chapter 9 as follows:

The Hearings Officer generally agrees with the PBOT comments and BDS Staff summary as noted above. The Hearings Officer notes, however, that a number of individuals raised transportation issues in oral testimony at the Hearing or in open-record submissions (Nast in oral testimony and Altig [Exhibit H.7] and Henry [Exhibit H.8]) and Newton Exhibit H.9)). The Hearings Officer finds that opposition comments, related to transportation, related to safety of the neighborhood streets surrounding the Subject Property and on-street parking impacts.

The Hearings Officer agrees with Bob Haley's ("Haley") Hearing testimony that the streets surrounding the Subject Property are designated local service streets and also "curtesy cueing streets." Haley described "curtesy cueing streets to be relative narrow streets where cars may be parked on both sides and the narrow nature of the street 'calms' traffic making the streets more safe. The Hearings Officer finds no credible evidence in the record that there have been numerous traffic accidents, vehicle/pedestrian accidents, or vehicle/bicycle accidents. The Hearings Officer finds no evidence that the streets currently, or as they will exist in the future if the proposal for the Subject Property is approved, present any unreasonable safety danger to area residents or visitors.

The Hearings Officer notes that Applicant's traffic consultant prepared an analysis of on-street parking in the vicinity of the Subject Property. Further, the consultant, in open-record submission Exhibit H.11, stated that Applicant:

“proposes to expand its on-site parking supply by 30 spaces. At the same time, the planned PCRC expansion is only anticipated to increase the site’s parking demand by 15 spaces, thereby providing 15 spaces of ‘reserve capacity’ on-site. As documented in the TIS and reviewed by PBOT, the onsite and on-street parking is adequate to meet the existing and future needs of PCRC.”

The Hearings Officer finds, based upon Applicant’s Transportation Impact Statement, Exhibit H.11 and PBOT’s review that on-street parking will not be negatively impacted if this application is approved. While the Hearings Officer respects the opposition comments, the Hearings Officer finds the more persuasive evidence, in the record, was presented by the Applicant and PBOT and accordingly finds that the proposed Multi-Dwelling 1,000 designation to be equally consistent with the goals and policies in Chapter 9 – Transportation.

Goal 10.A: Land use designations and zoning. Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code.

Policy 10.1 - Land use designations. Apply a land use designation to all land and water within the City’s Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.

...

10. Multi-Dwelling 1,000

This designation allows medium density multi-dwelling development. The scale of development is intended to reflect the allowed densities while being compatible with nearby single-dwelling residential. The designation is intended for areas near, in, and along centers and corridors, and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 43 units per acre, but may be as much as 65 units per acre in some situations. The corresponding zone is R1.

Findings: The Subject Property is within the City’s Urban Services Boundary. As discussed in the findings above, the Hearings Officer finds the proposed Multi-Dwelling 1,000 designation is equally or more supportive of the Comprehensive Plan’s goals and policies compared to the current designations. The Subject Property is adjacent to the Gateway Regional Center, close to bus and light rail transit service, and, as discussed in the findings

for Zoning Code Section 33.855.050.B, below, adequate public services are available. Applying the Multi-Dwelling 1,000 designation to the Subject Property would effectively and efficiently advance the goals and policies of the Comprehensive Plan. The Hearings Officer finds the proposal equally supports Goal 10.A and Policy 10.1.

Policy 10.2 - Relationship of land use designations to base zones. Apply a base zone to all land and water within the City's urban services boundary. The base zone applied must either be a zone that corresponds to the land use designation or be a zone that does not correspond but is allowed according to Figure 10-1 — Corresponding and Less-Intense Zones for Each Plan Map Designation. In some situations, there are long-term or short-term obstacles to achieving the level of development intended by the land use designation (e.g., an infrastructure improvement to serve the higher level of development is planned but not yet funded). In these situations, a less intense zone (listed in Figure 10-1) may be applied. When a land use designation is amended, the zone may also have to be changed to a corresponding zone or a zone that does not correspond but is allowed.

Policy 10.3 - Amending the Zoning Map.

10.3.a. Amending a base zone may be done legislatively or quasi-judicially.

10.3.b. When amending a base zone quasi-judicially, the amendment must be to a corresponding zone (see Figure 10-1 - Corresponding and Allowed Zones for Each Land Use Designation). When a designation has more than one corresponding zone, the most appropriate zone, based on the purpose of the zone and the zoning and general land uses of surrounding lands, will be applied.

10.3.c. When amending a base zone legislatively, the amendment may be to a corresponding zone or to a zone that does not correspond but is allowed (see Figure 10-1 - Corresponding and Allowed Zones for each Land Use Designation for zones that are allowed). A legislative Zoning Map amendment may not be to a zone that is not allowed.

10.3.d. An amendment to a base zone consistent with the land use designation must be approved when it is found that current public services are capable of supporting the uses allowed by the zone, or that public services can be made capable by the time the development is complete. 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 management, transportation, school district capacity (where a school facility plan exists), and police and fire protection.

10.3.e. An amendment to apply or remove an overlay zone or plan district may be done legislatively or quasi-judicially, and must be based on a study or plan document that identifies a specific characteristic, situation, or problem that is not adequately addressed by the base zone or other regulations.

Findings: The Subject Property is within the City's Urban Services Boundary. As stated in Comprehensive Plan Policy 10.1 (10), the proposed Multi-Dwelling 1,000 designation has only one corresponding base zone, the R1 (Multi-Dwelling Residential 1,000) zone. No overlay zone or plan district applies to the Subject Property currently, and no overlay zone or plan district is proposed. Concurrently with this Comprehensive Plan Map Amendment, Applicant proposes a quasi-judicial Zoning Map Amendment to apply the R1 base zone to the Subject Property. The approval criteria for the Zoning Map Amendment request are in Zoning Code Section 33.855.050, and as discussed later in this recommendation, the Hearings Officer finds these approval criteria can be met. As discussed in the findings below for Zoning Code Section 33.855.050.B, adequate public services are available for the proposal. Since the housing on the Subject Property is for retirees, the proposal is not expected to significantly affect enrollment at any public school.

For these reasons, the Hearings Officer finds the proposal equally supports Policies 10.2 and 10.3.

Summary for Zoning Code Section 33.810.050.A.1: Based on the above findings, the proposed Comprehensive Plan Map designation is equally or more supportive of the relevant goals and policies of the Comprehensive Plan than the current designations. The Hearings Officer finds the approval criterion in Zoning Code Section 33.810.050.A.1 is met.

33.810.050.A - Approval Criteria for Comprehensive Plan Map Amendment (continued)

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

Findings: As discussed above in the findings for 33.810.050.A.1, the Hearings Officer finds the proposal is consistent with Statewide Land Use Planning Goals, and therefore this criterion is met.

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.

Findings: As the proposed Comprehensive Plan Map amendment is from residential designation to residential designation, the Hearings Officer finds this criterion is not applicable.

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

- a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;
- b. The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;
- c. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;
- d. The site does not have direct access to special industrial services such as multimodal freight movement facilities;
- e. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;
- f. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and
- g. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:
 - (1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;
 - (2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area,

no more than 20 acres may be given a new Comprehensive Plan Map designation;

- (3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;
- (4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;
- (5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

Findings: As the requested amendment is not from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation, the Hearings Officer finds this criterion is not applicable.

ZONING MAP AMENDMENT APPROVAL CRITERIA

33.855.050 Approval Criteria for Base Zone Changes

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

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

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

Findings: The proposed Comprehensive Plan Map designation is Multi-Dwelling 1,000. As stated in Comprehensive Plan Policy 10.1 (10), the Multi-Dwelling 1,000 designation has only one corresponding zone, the R1 zone. Applicant is requesting that the R1 zone be mapped on the Subject Property. 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: The Subject Property does not have a Commercial (C), Employment (E), or Industrial (I) designation or a Buffer overlay. The Hearings Officer finds this criterion is not applicable.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.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, the Hearings Officer finds this criterion is not applicable.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.

- a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.

Findings: The Water Bureau reviewed the proposal and responded that adequate water service is available for the proposed development from mains in the adjacent NE San Rafael Street, NE 106th Avenue, and NE 108th Avenue rights-of-way (Exhibit E-3).

The Fire Bureau found that public services for fire protection and access would be adequate for the proposal (Exhibit E-4).

The Police Bureau reviewed the proposal and stated that police can provide adequate services to the Subject Property with the proposed zone change (Exhibit E-8).

For these reasons, the Hearings Officer finds this criterion is met.

- 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 found that Applicant's proposal for sanitary waste disposal to existing sewers in NE San Rafael Street and NE 106th Avenue was acceptable (Exhibit E-1). BES

also generally accepted the Applicant's proposal to infiltrate stormwater on-site with a combination of basins, planters, and drywells. However, BES noted that possible soil contamination in parts of the Subject Property could necessitate minor changes at the time of building permit review. BES stated the following in Exhibit E-1:

"Staff finds the applicant's proposed stormwater management plan acceptable for the purpose of reviewing the conditional use, zone map amendment, and comprehensive plan amendment application against the stormwater management approval criteria. At the time of future development, BES will require additional information related to contamination, which may necessitate minor revisions to the proposed stormwater management plan."

BES recommended the following condition of approval (Exhibit E-1):

"Prior to building permit approval, the applicant must either revise the proposed stormwater management plan so that infiltration of stormwater is not proposed within the area of contamination; or provide soil testing information showing that contamination will not be further mobilized on or off site, to the satisfaction of BES."

For the reasons discussed above, and with the condition of approval suggested by BES, the Hearings Officer finds this criterion is met.

- 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 reviewed the application and submitted the following response (Exhibit E-2):

"Based on PBOT's administrative rule, TRN- 10.27 -Traffic Capacity Analysis for Land Use Review Cases, the City can place a trip cap to mitigate for a significant transportation impact. Per TRN-10.27.3. a.1 which states, "the development is limited to result in no net increase in vehicle trips over what is allowed by the existing zoning." The TIS prepared for this proposal found that the existing zoning would allow up

to 33 single-family homes and 7 multi-dwelling units. This would generate 428 daily trips with 34 trips occurring in the AM Peak Hour and 44 in the PM Peak Hour. Without a trip cap, the proposed R1 zoning would allow 263 multi-dwelling units with 134 trips in the AM Peak Hour and 163 in the PM Peak Hour. PBOT is recommending a trip cap of 44 PM Peak Hour trips as a mitigation measure as allowed per TRN-10-27. This is based on ITE Code 220 that has a 0.62 PM Peak Hour trips per apartment unit. It should be noted that the proposed CUMP would result in much fewer trips than the trip cap. The CUMP would generate 110 daily trips with 6 in the AM Peak Hour and 7 in the PM Peak Hour. The trip cap on the zone map amendment is needed should the CUMP not occur or the site redevelop in the future under the proposed R1 zoning. For the ease of administrating this condition, the cap has been converted into a maximum of 70 multi-dwelling units. With a multi-dwelling unit trip cap in place as a condition of approval, this criterion will be satisfied."

BDS staff confirmed with PBOT that the condition of approval recommended above is intended to apply if the Parkview Christian Retirement Community is ever demolished and the site is completely redeveloped. The condition of approval is not intended to apply to Applicant's Conditional Use Master Plan proposal.

With the condition of approval as described above, the Hearings Officer finds this criterion is met.

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

Findings: The proposed rezoning is not to IR, so the Hearings Officer finds this criterion is not applicable.

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

Findings: The requested zone is R1, not IR. The Hearings Officer finds this criterion is not applicable.

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

Findings: The Subject Property is within the City limits. Zoning Code Section 33.855.080 discusses automatic Zoning Map Amendments for newly annexed properties, but this area has been within the City's boundary of incorporation since 1985. The Hearings Officer finds this criterion is met.

CONDITIONAL USE MASTER PLAN APPROVAL CRITERIA

33.820.050 Approval Criteria

Requests for conditional use master plans will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A.** The master plan contains the components required by 33.820.070;

Findings: The Hearings Officer finds the proposal includes the required components, as discussed below under the responses to Zoning Code Section 33.820.070. The Hearings Officer finds this criterion is met.

- B.** The proposed uses and possible future uses in the master plan comply with the applicable conditional use approval criteria; and

Findings: A review of how the proposed uses in the Master Plan comply with the applicable Conditional Use approval criteria is in the findings for Zoning Code Section 33.815.105, below. The Hearings Officer finds that the Conditional Use approval criteria are met with conditions of approval. The Hearings Officer finds this criterion is met.

- C.** The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

Findings: Applicant's proposal includes one Adjustment request to reduce the number of long-term bike parking spaces required for the Subject Property. As discussed later in this recommendation, the Hearings Officer finds the applicable approval criteria for the Adjustment are met. All other development standards applicable to the Subject Property must be met and would be verified during building permit reviews. Except for the long-term bike parking standard for which an Adjustment is requested, BDS staff verified the proposed uses can comply with all applicable requirements of Title 33. The Hearings Officer finds this criterion is met.

33.820.070 Components of a Master Plan

The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

- A. Boundaries of the use.** The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

Findings: The boundaries of the proposed Conditional Use Master Plan coincide with the boundaries of the Subject Property illustrated in Exhibit C-1. The proposed Master Plan site includes six separate tax lots under common ownership. No changes in the Master Plan boundaries during the 10-year life of the Master Plan are requested with this application. Any future change in the Master Plan boundaries would require approval of a Conditional Use Master Plan Amendment land use review (Zoning Code Section 33.820.090). This component requirement is satisfied.

- B. General statement.** The master plan must include a narrative that addresses the following items:

1. A description in general terms of the use's expansion plans for the duration of the master plan;
2. An explanation of how the proposed uses and possible future uses comply with the conditional use approval criteria; and
3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.

Findings: Applicant's narrative describes three building projects for the 10-year life of the Master Plan:

- New one-story, approximately 15,500-square-foot, 26-bed memory care building adjacent to NE 106th Avenue (classified as Group Living use);
- New two-story, approximately 20,300-square-foot, 22-unit independent living apartment building adjacent to NE San Rafael Street (classified as Household Living use); and
- Approximately 1,500-square-foot, one-story addition to an existing building in the interior of the Subject Property. This space would be used as common area for residents of the complex.

The existing 28-space parking lot near the north lot line would be removed, and two new surface parking lots would be constructed. A 24-space parking lot would be constructed

near the northeast corner of the Subject Property, and a 27-space parking lot would be constructed near the northwest corner of the Subject Property.

A site plan, building elevations, and landscaping plan illustrating the proposed development are included in Exhibits C-1 through C-5.

Applicant's narrative addresses each of the applicable Conditional Use approval criteria (Zoning Code Section 33.815.105), and the Hearings Officer's proposed findings regarding these criteria are included later in this recommendation.

Five single-dwelling houses would be demolished and replaced with the memory care building and its parking lot. However, as discussed below in the findings for the Conditional Use approval criteria, the Hearings Officer finds that the proposed building design, setbacks, and landscaping would promote compatibility with the neighborhood, and the residential appearance and function of the neighborhood would not be significantly lessened. Since the Master Plan includes 22 new apartments in addition to the 26-bed memory care building, housing opportunities would be increased even though the single-dwelling houses would be demolished.

The Hearings Officer finds this component requirement is satisfied.

- C. Uses and functions.** The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the conditional use must be shown.

Findings: As shown in Applicant's narrative and plans (Exhibits A-3, A-15, and C-1 through C-5), the Subject Property is currently developed with a 117-unit apartment complex for retirees and five single-dwelling houses. The five single-dwelling houses would be demolished, and three new building projects are proposed in the Master Plan:

- New one-story, approximately 15,500-square-foot, 26-bed memory care building adjacent to NE 106th Avenue (classified as Group Living use);
- New two-story, approximately 20,300-square-foot, 22-unit independent living apartment building adjacent to NE San Rafael Street (classified as Household Living use); and
- Approximately 1,500-square-foot, one-story addition to an existing building in the interior of the Subject Property. This space would be used as common area for residents of the complex.

The existing 28-space parking lot near the north lot line would be removed, and two new surface parking lots would be constructed. A 24-space parking lot would be constructed near the northeast corner of the lot, and a 27-space parking lot would be constructed near the northwest corner of the Subject Property.

Applicant submitted specific plans for these uses, including building elevations and floor plans. The number of employees on the Subject Property would increase from approximately 85 to approximately 105, and 24-hour services would be provided to residents (Exhibit A-3). No special events are proposed. The Hearings Officer finds this component requirement is satisfied.

D. Site plan. The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, open areas, and other required items. In addition to the application requirements in 33.730.060.C, the site plan must also include:

1. All existing improvements that will remain after development of the proposed use;
2. All improvements planned in conjunction with the proposed use; and
3. Conceptual plans for possible future uses.
4. Pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:
 - a. Major buildings, activity areas, and transit stops within the master plan boundaries and adjacent streets and adjacent transit stops; and
 - b. Adjacent developments and the proposed development.

Findings: The Master Plan shows that that all existing buildings on the Subject Property would be retained except for the five single-dwelling houses fronting on NE 106th Avenue. The Master Plan includes a specific site plan showing existing and proposed building locations, pathways for pedestrian and bicycle circulation, vehicle and bicycle parking, and open areas (Exhibit C-1). The Subject Property would have four surface parking lots – two existing parking lots in the southern half of the Subject Property with a total of 26 parking spaces, and two new parking lots in the northern half of the Subject Property with a total of 51 parking spaces. Bicycle parking is shown next to both of the new buildings proposed in the Master Plan. The pedestrian and bicycle pathways would continue to connect the buildings on the Subject Property to the public sidewalks on the adjacent streets, which provide access to neighboring properties and nearby transit service. The Hearings Officer finds this component requirement is satisfied.

- E. Development standards.** The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements and the requirements of Chapters 32.32 and 32.34 of the Sign Code. These may be such things as height limits, setbacks, FAR limits, landscaping and tree preservation requirements, parking requirements, sign programs, view corridors, or facade treatments. Standards more liberal than those of the code require adjustments.

Findings: The Master Plan includes specific site plans, landscaping plans, building elevations, and floor plans for each of the future developments to be included in the Master Plan. Except for one proposed Adjustment for the bike parking requirement, these plans can meet all applicable code requirements. No alternative development standards are proposed with the Master Plan. The Hearings Officer finds this component requirement is satisfied.

- F. Phasing of development.** The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition, the plan should address any proposed temporary uses or locations of uses during construction periods.

Findings: Applicant's narrative describes three building projects in a single phase:

- New one-story, approximately 15,500-square-foot, 26-bed memory care building adjacent to NE 106th Avenue (classified as Group Living use);
- New two-story, approximately 20,300-square-foot, 22-unit independent living apartment building adjacent to NE San Rafael Street (classified as Household Living use); and
- Approximately 1,500-square-foot, one-story addition to an existing building in the interior of the Subject Property. This space would be used as common area for residents of the complex.

The existing 28-space parking lot near the north lot line would be removed, and two new surface parking lots would be constructed. A 24-space parking lot would be constructed near the northeast corner of the lot, and a 27-space parking lot would be constructed near the northwest corner of the Subject Property.

Applicant could complete these projects in any sequence as long as the projects are completed within the 10-year life of the Master Plan. No interim or temporary uses or temporary locations of uses are proposed. The Hearings Officer finds this component requirement is satisfied.

- G. Transportation and parking.** The master plan must include information on the following items for each phase.

1. **Projected transportation impacts.** These include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupancy vehicles.
2. **Projected parking impacts.** These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

Findings: Applicant submitted a professional transportation impact study (Exhibit A-7) which analyzed the expected number of trips, parking demand, and impacts on the adjacent street system. This study also included a transportation demand management plan with measures intended to limit the number of vehicle trips. PBOT evaluated the transportation impact study and PBOT's findings are referenced in the findings for Zoning Code Section 33.815.105.D, below. The Hearings Officer finds this component requirement is satisfied.

- H. Street vacations.** The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations which might be requested in conjunction with future development. (Street vacations are under the jurisdiction of the City Engineer. Approval of the master plan does not prejudice City action on the actual street vacation request.)

Findings: No street vacations are requested with the Master Plan.

- I. Adjustments.** The master plan must specifically list any adjustments being requested in conjunction with the proposed use or overall development standards and explain how each adjustment complies with the adjustment approval criteria.

Findings: Applicant is requesting one Adjustment to reduce the number of long-term bike parking spaces required for the Subject Property. The Adjustment approval criteria are addressed in the Applicant's narrative (Exhibit A-3) and as discussed later in this recommendation, the Hearings Officer finds the applicable Adjustment approval criteria are met. The Hearings Officer finds this component requirement is satisfied.

- J. Other discretionary reviews.** When design review or other required reviews are also being requested, the master plan must specifically state which phases or proposals the reviews apply to. The required reviews for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development. The

plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review.

Findings: No other discretionary reviews or approvals are requested in conjunction with the Master Plan.

- K. Review procedures.** The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a conditional use review.

Findings: No unique procedures are proposed in the Master Plan for the review of future uses or developments that are not included in the plan. During the 10-year life of the Master Plan, proposed uses or developments that are not approved in this Master Plan would be regulated by the review procedures identified in Zoning Code Sections 33.820.080 and 33.820.090.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: The Subject Property is currently developed with five single-dwelling houses and a 117-unit apartment complex for retirees, all of which is classified as Household Living use. Household Living use is permitted outright in the R1 zone. Applicant proposes to demolish the five single-dwelling houses on the Subject Property but retain the existing apartment complex.

Three new building projects are proposed during the 10-year life of the Conditional Use Master Plan:

- New one-story, approximately 15,500-square-foot, 26-bed memory care building adjacent to NE 106th Avenue (classified as Group Living use);
- New two-story, approximately 20,300-square-foot, 22-unit independent living apartment building adjacent to NE San Rafael Street (classified as Household Living use); and
- Approximately 1,500-square-foot, one-story addition to an existing building in the interior of the Subject Property. This space would be used as common area for residents of the complex.

The existing 28-space parking lot near the north lot line would be removed, and two new surface parking lots would be constructed. A 24-space parking lot would be constructed near the northeast corner of the lot, and a 27-space parking lot would be constructed near the northwest corner of the Subject Property.

The proposed memory care building would be classified as a Group Living use subject to Conditional Use Review. This building would be the only one of the proposed developments that is a non-Household Living use.

For purposes of this criterion, the “residential area” is considered to be residentially-zoned lots within a 400-foot (or roughly one-block) radius of the Subject Property. Currently each of the residentially-zoned lots within this radius of the Subject Property is developed with a Household Living use, so the proposed memory care building on the Subject Property would be the only non-Household Living use in the “residential area.” (Applicant states in Exhibit A-3 that the assisted living building at 10801 NE Weidler Street contains only self-contained apartments with bathrooms and kitchens, so this building would be classified as Household Living rather than Group Living, pursuant to Zoning Code Section 33.920.110.)

The proposed memory care building would not be classified as a Household Living use because this building would not have self-contained dwelling units with their own kitchens. However, the Hearings Officer finds that the memory care building would serve as a residence, so it would not detract from the residential character of the neighborhood in the same way that a non-residential Conditional Use (like a church or school) might.

The proposed Master Plan would retain the existing 117 Household Living apartments on the Subject Property and construct 22 additional Household Living units in a new apartment building. Combined, these Household Living units could easily house 200 or more residents. Therefore, the 26-bed memory care (Group Living) building would be a relatively small portion of the Subject Property’s residential use, and Household Living use would continue to define the character of both the and the Subject Property surrounding residential area.

For these reasons, the Hearings Officer finds the proposal would not significantly detract from the existing residential appearance and function of the surrounding residential neighborhood. The Hearings Officer finds this criterion is met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case "s." There are no City-designated scenic resources on the site or in the surrounding neighborhood. Therefore, this criterion (B.1) is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

Findings: As mentioned in the findings for 33.815.105.A, above, Household Living use is permitted outright in the R1 zone, but the proposed memory care building would be a Group Living use subject to Conditional Use Review.

The memory care building is proposed for the western portion of the Subject Property, adjacent to NE 106th Avenue. Neighboring properties on NE 106th Avenue are developed with one-story, single-dwelling houses with horizontal lap siding. The proposed memory care building would also be a one-story building with horizontal lap siding, and roof gables and covered porch areas would reinforce the building's residential appearance. However, the new building (with a net building area of approximately 15,500 square feet) would be significantly larger in scale than neighboring houses, and the Subject Property (at about 5.3 acres) is significantly larger than neighboring residential lots.

Differences in appearance and scale would be mitigated in several ways. The front wall of the memory care building would be set back between 22 and 38 feet from the lot line abutting NE 106th Avenue, even though only a three-foot setback is required from street lot lines in the R1 zone (Zoning Code Section 33.120.220.B.1). This setback would allow a landscaped front yard for the new building that is typical in depth for the residential street.

The memory care building would also be set back further than required from the other abutting lot lines. The building would be 33 feet from the south lot line, which abuts a single-dwelling residential lot, and 195 feet from the north lot line, which abuts NE San

Rafael Street. Trees and shrubs proposed near the south lot line would provide screening and buffering for that neighboring property (Exhibit A-23). Applicant's landscaping plan also includes a large number of trees and shrubs within and around the proposed parking lot between the memory care building and the north lot line. This landscaping would soften the view of the parking lot from the residential lots across NE San Rafael Street from the Subject Property.

The other two projects included in the Master Plan – the new two-story apartment building adjacent to NE San Rafael Street and the one-story building addition for residents' common area – are both Household Living uses which are permitted outright in the R1 zone. However, these developments would also mitigate differences in appearance and scale with the surrounding residential neighborhood.

The two-story apartment building would be taller than nearby houses, but the building would be oriented toward the interior of the Subject Property, with the longest walls of the building facing away from the street. Like the memory care building, the apartment building would have design elements like horizontal lap siding and a pitched roof that promote a compatible appearance. The building would be set back 10 feet from the NE San Rafael Street lot line, even though only a three-foot setback is required, and new trees and shrubs would soften the view of the building from that street (Exhibit A-23). The new parking lot east the apartment building would also be set back 10 feet from the NE San Rafael Street lot line, five feet further than required, and five feet from the NE 108th Avenue lot line. New trees and shrubs within and around this parking lot would effectively screen the view of it from the street and from neighboring residential properties.

Nast, at the Hearing, described the two-story apartment as "imposing" and not "fitting within the character of the neighborhood." Nast stated that the apartment would be taller than most of the residences in the nearby neighborhood. Applicant, in its final argument, argued that Nast would not likely be able to see the apartment building from his residence because of a grove of trees. The Hearings Officer finds this comment by Applicant to miss the point; this approval criteria does not relate to one and only one residence (the Nast residence) but rather the "surrounding neighborhood" as a whole.

The Hearings Officer notes that if the Comprehensive Plan and Zone Change requests are approved, as recommended above, then apartments could theoretically (barring the PBOT imposed "cap") be legally (as a matter of right) constructed over all of the Subject Property. If the Comprehensive Plan and Zone Change requests are approved, two-story apartments would be the "norm" on the Subject Property. Finally, the Hearings Officer does agree with Applicant's final argument comment quoted below:

"As staff explained at the hearing, the R1 zone allows a maximum height of 45 feet, while the existing R7 zone allows a mazimum height of 30 feet. PCC

Table 120-3; Table 110-3. The proposed independent living apartment building will be a maximum of 25 feet high, which is not only far below the maximum height allowed in the R1 zone but also below the maximum height permitted in the current R7 zone.”

The Hearings Officer finds the two-story apartment building, while larger than a typical single family residence, would be allowed in the R1 zone. The Hearings Officer finds the proposed height of the two-story apartment building is lower than allowed in the R7 zone; the zoning designation for properties to the north and east of the Subject Property. The Hearings Officer finds the proposed design of the two-story apartment building is larger, but similar, to the design of single family residences in the neighborhood. The Hearings Officer finds the proposed two-story apartment building is compatible with the surrounding neighborhood.

The one-story building addition for residents’ common area would be in the interior of the Subject Property. The view of this addition from the street and from neighboring properties would be blocked by existing buildings, so the appearance and scale of this addition would have little impact on the neighborhood.

Applicant’s plan shows many existing trees to be removed for construction of the new buildings and parking areas. Several of the trees to be removed are quite large and based on their diameters, the Applicant would be required to make a substantial payment to the City’s Tree Planting and Preservation Fund at the time of building permit review (Tree Code Section 11.50.040.C.1.b.2). However, there are no large open areas on the Subject Property that would accommodate the new building footprints and parking areas without tree removal. Also, Applicant’s landscaping plan includes many new trees around the new development areas, and these new trees would mitigate some of the negative impacts of the tree removal over time (Exhibit A-23). Furthermore, the majority of the Subject Property would not be redeveloped, and there is a large number of mature broadleaf and evergreen trees which would be retained (Exhibit A-18). The trees to be retained are fairly evenly distributed through the part of the Subject Property which will not be redeveloped, and the existing tree canopy is much taller than the buildings on the Subject Property. Therefore, the Subject Property would still have a heavily treed appearance from the street, even before the newly planted trees in the redeveloped areas are mature.

For the reasons stated above, the Hearings Officer finds that criterion B.3, above, is met. (While the Hearings Officer did address B.2, the Hearings Officer also finds that since B.3 is found to be met, B.2 does not have to be addressed.)

- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

Findings: The new Group Living building would house 26 people needing specialized care, and no aspects of the operation are likely to generate more noise or litter than would be expected from a building in a multi-dwelling residential zone. No late-night activities or unusual odor-producing activities are proposed.

The other two building projects included in the Master Plan would be outright-permitted Household Living uses, and no aspects of those projects are likely to cause more of these impacts than would be expected from multi-dwelling residential development in a multi-dwelling residential zone.

No unusual lighting is proposed for the Subject Property that would adversely impact neighbors, and as discussed above, the new buildings would be placed further from the lot lines than required. The new parking lot in the northeast corner of the Subject Property would also be set back further from the street lot lines than required, and both of the new parking lots would be surrounded by new trees and continuous rows of evergreen shrubs (Exhibit A-23). These landscaping buffers would help to block glare from headlights and absorb some of the noise from vehicles in the parking areas.

For these reasons, the Hearings Officer finds the proposal would not cause significant adverse impacts related to noise, glare from lights, late-night operations, odors, or litter. The Hearings Officer finds this criterion is met.

2. Privacy and safety issues.

Findings: The privacy of neighboring residential lots would be protected by placing the buildings further from the lot lines than required and by planting substantial numbers of trees and shrubs near the perimeters of the Subject Property (Exhibit A-23).

Also, the proposed building that would be closest to a residential neighbor's lot line is the memory care building (at 33 feet from the nearest neighbor's lot line), and this building would be only a single story.

The proposed two-story apartment building would be 60 feet from the nearest neighbor's lot line, since the building would be set back 10 feet from the NE San Rafael Street lot line (seven feet further than required) and the NE San Rafael Street right-of-way is 50 feet wide.

The one-story building addition for residents' common area would be in the interior of the Subject Property, and views between this addition and neighboring lots would be blocked by existing buildings on the Subject Property.

No adverse safety impacts are anticipated. The Fire Bureau found that public services for fire protection and access would be adequate for the proposal (Exhibit E-4), and the Police Bureau found that police can adequately serve the proposal (Exhibit E-8).

For these reasons, the Hearings Officer finds this criterion is met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: PBOT reviewed Applicant's transportation impact study (Exhibit A-7) and submitted the following response (Exhibit E-2):

"This section addresses the evaluation factors identified above to ensure the transportation system is capable of supporting the proposed use in addition to the existing uses in the study area.

Street Designations

Table 2 identifies the City of Portland TSP street designations of the streets within the study area. As shown, NE Wielder Street and NE Halsey Street are designated as Major City Traffic Streets while all other streets, including those that border the PCRC campus, are designated as Local Service Traffic Streets. As a predominantly residential use with relatively low trip-generation characteristics, the proposed conditional use and zone change are supportive of the street designations. Therefore, this criterion is met.

Street Capacity, Level of Service, and Other Performance Measures

The transportation impact analysis included in Section 5 of this report evaluates traffic operations at the study intersections with and without the proposed conditional use during the weekday AM and PM peak hours. As indicated by the analysis, all of the study intersections are projected to operate acceptably under year 2020 traffic conditions with and without the proposed development, with the exception of the NE 108th Avenue/NE Weidler Street intersection. As described previously, the critical movement at this intersection is forecast to operate at level of service (LOS) F, but below

capacity during the weekday AM peak hour. Preliminary signal warrants indicate that a traffic signal is not warranted under year 2020 traffic conditions with or without the proposed expansion. Also, alternative access is available via NE 111th Avenue, which is signalized at NE Weidler Street and NE Halsey Street. As stated above under the PBOT findings for the zone map amendment and TRP, a multi-dwelling unit/trip cap is recommended to limit future vehicle trips to what could be generated under the existing zoning. The trips generated by the CUMP will be less than the recommended cap. Therefore, this criterion is met.

Access to Arterials and Connectivity

With the proposed conditional use development, access to the PCRC campus will be provided via four full movement driveways; two located along NE 108th Avenue and two located along NE San Rafael Street. As shown in Table 2 of this report, NE 108th Avenue and NE San Rafael Street are Local Service Traffic Streets, which is applicable for providing access to residential uses.

NE San Rafael Street connects to NE 108th Avenue and NE 111th Avenue further to the west. NE 108th Avenue and NE 111th Avenue connect to NE Weidler Street and NE Halsey Street to the south. NE Weidler Street and NE Halsey Street are one-way streets that form an east-west couplet from NE 102nd Avenue to NE 114th Avenue. NE Halsey Street provides connections to downtown Portland to the west and to Fairview, Wood Village, and Troutdale to the east. NE Halsey Street also provides access to Interstate 205 (I-205) and Interstate 84 (I-84) via NE 102nd Avenue. No new access points are being proposed along NE Weidler Street, NE Halsey Street, or any other major city traffic streets. A 12-ft wide multi-use path will be required to connect NE San Rafael to NE 106th through the grove of fir trees. Therefore, this criterion is met.

Transit Availability

This criterion is addressed below under Neighborhood Impacts and Impacts on Pedestrian, Bicycle and Transit Circulation.

On-Street Parking Impacts

The parking analysis included in Section 5 of the TIA report indicates that with the proposed conditional use development, the PCRC parking surface parking lots will be sufficient to accommodate existing and projected future parking demand within the campus boundary and there will be no impact to the on-street parking system. Therefore, this criterion is met.

Access Restrictions

With the proposed conditional use development, access to the PCRC campus will be provided via four full movement driveways; two located along NE 108th Avenue and two located along NE San Rafael Street. As shown in Table 2 of this report, NE 108th Avenue and NE San Rafael Street are Local Service Traffic Streets, which are the lowest classification street within the study area. Therefore, this criterion is met.

Neighborhood Impacts and Impacts on Pedestrians, Bicycle, and Transit Circulation

Pedestrian Access and Circulation:

Continuous sidewalks are currently provided along a majority of all streets within the study area with the exception of NE 106th Avenue, which will not provide access to the site. Enhanced pedestrian crossings are also provided at several key crossing locations, including NE 106th Avenue/NE Weidler Street and NE 102nd Avenue at NE Weidler Street and NE Halsey Street. The sidewalks and pedestrian crossings provide connections to local transit service provided along NE Weidler Street and NE Halsey Street as well as multiple retail, commercial, and recreational uses within the study area. The existing pedestrian system promotes and supports pedestrian access and circulation within the study area and is sufficient to accommodate the proposed conditional use along with existing uses. Therefore, this criterion is met.

Bicycle Access and Circulation:

Continuous on-street bike lanes are currently provided along NE Weidler Street and NE Halsey Street. All other streets within the study area are sufficient to allow bicyclists to share the roadway with motorists. The existing bicycle system promotes and supports bicycle access and circulation within the study area and is sufficient to accommodate the proposed conditional use along with existing uses. Therefore, this criterion is met.

Transit Access and Circulation:

Local transit service is provided in the study area by TriMet. TriMet operates two fixed-route bus lines along NE Weidler Street and NE Halsey Street, including Line 77 (Broadway/Halsey) and Line 23 (San Rafael). Service is provided Monday through Friday with limited service on Saturday and Sunday. The closest transit stops are located along NE Weidler Street east of NE 106th Avenue and along NE Halsey Street, east of 108th Avenue. Continuous sidewalks connect the PCRC campus to the transit stops. TriMet's existing transit service along with planned service enhancements is sufficient

to accommodate the proposed conditional use along with existing uses. Therefore, this criterion is met.

Safety for All Modes

Traffic safety was evaluated at the study intersections based on the five most recent years of crash data available from ODOT. Based on the data, the NE 102nd Avenue/NE Halsey Street intersection experienced the highest number of crashes over the five-year period and has an observed crash rate that exceeds the 90th percentile crash rate for similar facilities. However, per discussions with City staff, the City has developed plans to update the signal in the future. The plans include removal of the doghouse and installation of a flashing yellow arrow. The NE 108th Avenue/NE San Rafael Street intersection also has an observed crash rate that exceeds the 90th percentile crash rate for similar facilities; however, only one crash occurred at the intersection over the five-year period. No other trends or patterns were identified within the study area that require mitigation associated with the project. Therefore, this criterion is met.

Transportation Demand Management Strategies

The PCRC campus' current Transportation Demand Management (TDM) strategies were discussed in Section 6 and include shuttle service, LIFT service, and a number of multimodal facilities that connect users to the adjacent arterials, bike lanes, and transit service.

There are several strategies that PCRC could implement to enhance their current TDM strategies, including shuttle service enhancements and improvements walking/biking access, technological access, and communications and awareness. However, given the relatively low trip generation characteristics of the PCRC campus, their current TDM strategies are sufficient to accommodate existing uses along with the proposed conditional use development. Therefore, this criterion is met."

PBOT's analysis above finds that these criteria are met. With regards to on-site parking, PBOT finds the total number of parking spaces proposed is adequate for the proposed development. BDS staff noted, in the Staff Report (page 49) that since Applicant would have 10 years to construct the improvements illustrated in Exhibits C-1 through C-5, on-site parking could be less than intended if new parking lots are not constructed before or at the same time as the adjacent buildings. For this reason, BDS staff, in the Staff Report, recommended the following conditions of approval:

- "The new parking lot in the northeast corner of the site must be constructed before the final occupancy approval for the new 22-unit, independent living apartment building.
- The new parking lot in the northwest corner of the site must be constructed before the final occupancy approval for the new 26-bed memory care building."

The Hearings Officer generally agrees with the PBOT comments and BDS Staff summary as noted above. The Hearings Officer notes, however, that a number of individuals raised transportation issues in oral testimony at the Hearing or in open-record submissions. (Nast in oral testimony, and Altig [Exhibit H.7] and Henry [Exhibit H.8] and Newton [Exhibit H.9]). The Hearings Officer finds that opposition comments related to transportation, related to safety of the neighborhood streets surrounding the Subject Property, and on-street parking impacts.

The Hearings Officer agrees with PBOT's representative, Haley's, testimony that the streets surrounding the Subject Property are designated local service streets and also 'curtesy cueing streets.' Haley described 'curtesy cueing streets' as relative narrow streets where cars may be parked on both sides and the narrow nature of the streets 'calm' traffic making the streets more safe. The Hearings Officer finds no credible evidence in the record that there have been numerous traffic accidents, vehicle/pedestrian accidents, or vehicle/bicycle accidents. The Hearings Officer finds no evidence that the streets currently, or as they will exist in the future if the proposal for the Subject Property is approved, present any unreasonable safety danger to area residents or visitors.

The Hearings Officer notes that Applicant's traffic consultant prepared an analysis of on-street parking in the vicinity of the Subject Property. Further, the consultant, in open-record submission Exhibit H.11, stated that Applicant:

"proposes to expand its on-site parking supply by 30 spaces. At the same time, the planned PCRC expansion is only anticipated to increase the site's parking demand by 15 spaces, thereby providing 15 spaces of 'reserve capacity' on-site. As documented in the TIS and reviewed by PBOT, the onsite and on-street parking is adequate to meet the existing and future needs of PCRC."

The Hearings Officer agrees with PBOT and BDS staff that the condition language recommended by BDS staff is appropriate and necessary. The Hearings Officer finds, based upon Applicant Transportation Impact Statement, Exhibit H.11, and PBOT's review, that on-street parking will not be negatively impacted if this application is approved. While the Hearings Officer respects the opposition comments, the Hearings Officer finds the more

persuasive evidence, in the record, was presented by the Applicant and PBOT and accordingly finds the approval criteria in D.1 and D.2 are met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: The Water Bureau reviewed the proposal and responded that adequate water service is available from mains in the adjacent rights-of-way (Exhibit E-3).

The Police Bureau found that police can adequately serve the proposal (Exhibit E-8), and the Fire Bureau found that public services for fire protection and access would be adequate (Exhibit E-4).

BES found Applicant's proposal for sanitary waste disposal to existing sewers in NE San Rafael Street and NE 106th Avenue was acceptable (Exhibit E-1). BES also generally accepted Applicant's proposal to infiltrate stormwater on-site with a combination of basins, planters, and drywells. However, BES noted that possible soil contamination in parts of the Subject Property could necessitate minor changes at the time of building permit review. BES stated the following in Exhibit E-1:

"Staff finds the applicant's proposed stormwater management plan acceptable for the purpose of reviewing the conditional use, zone map amendment, and comprehensive plan amendment application against the stormwater management approval criteria. At the time of future development, BES will require additional information related to contamination, which may necessitate minor revisions to the proposed stormwater management plan."

BES recommended the following condition of approval (Exhibit E-1):

"Prior to building permit approval, the applicant must either revise the proposed stormwater management plan so that infiltration of stormwater is not proposed within the area of contamination; or provide soil testing information showing that contamination will not be further mobilized on or off site, to the satisfaction of BES."

For the reasons discussed above, and with the condition of approval suggested by BES, the Hearings Officer finds this criterion (D.3) is met.

- E. **Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: The Subject Property is within the boundaries of the Cully/Parkrose Community Plan, which was adopted by the City Council as part of the Comprehensive Plan. The Hearings Officer finds the following aspects of the Cully/Parkrose Community Plan to be relevant:

Policy 4: Housing Location. Attached residential and multifamily residential zones must meet the following locational requirements:

- 1. Have direct access to an arterial or collector street;*
- 2. Avoid routing of through traffic on local neighborhood streets;*
- 3. Have public transit available or planned to be available within one-quarter mile of the site; and*
- 4. Be designed to be compatible with existing residential uses by the use of design features such as buffering, landscaping, screening, and building orientation.*

Since the Subject Property is on a block which directly abuts an arterial street (NE Weidler Street), and since the Subject Property is already developed with an apartment complex, the Hearings Officer finds the proposal would not cause significant increases in through traffic on local neighborhood streets.

Northeast Weidler Street is about 200 feet south of the Subject Property and is served by two TriMet bus routes, #23 and #77.

As discussed above in the findings for Conditional Use approval criterion PCC 33.815.105.B, design features including building location, landscaping, screening, and buffering would promote compatibility with existing residential uses near the Subject Property; the Hearings Officer adopts the findings for PCC 33.815.105.B as additional findings for this section.

Policy 6: Citizen Involvement. The important role of such groups as the Cully/Parkrose Community Group, neighborhood associations, and business organizations shall be recognized in involvement citizens in the discussion and review of land use issues. This shall be done by providing notice to recognized organizations of land use issues and creating opportunities for review and comment on proposed changes to this plan and its implementing measures.

The City mailed notice of this land use review application to neighbors within 400 feet of the Subject Property, the Parkrose Heights Neighborhood Association, the Hazelwood Neighborhood Association, the East Portland Neighborhood Office, and the Gateway Area Business Association. This notice was also posted on BDS' website.

In addition, per Zoning Code requirements, the Subject Property has been posted with

signs advertising the public hearing. A summary of the proposal and a phone number to obtain further information are included on the signs.

The mailed notice clearly identified Applicant's proposal, the applicable approval criteria, the decision-making process, and the opportunity for interested parties to comment on the proposal and/or testify at two public hearings: one before the Hearings Officer and the other before City Council. The roles that City staff, the Hearings Officer, the City Council, and other interested parties play in the land use review process were described in the notice.

For these reasons, the Hearings Officer finds the proposal equally supports Policy 6 of the Cully/Parkrose Community Plan.

Policy 8: Utilities.

- A. Redevelopment should be predicated on the provision of adequate urban services including sewerage, water, and streets.*
- B. All utility lines should be placed underground.*

As discussed above in response to approval criterion D, urban services for sewer, water, and streets will be adequate to serve the proposed development. Applicant stated that "all new utilities which are to be extended to the Subject Property are to be placed underground" (Exhibit A-5).

Site Guidelines for Design Area 12 (Halsey/Weidler Strip and San Rafael Shopping Center):

- a. Provide street trees and landscaped areas with medium scale vegetation.*
- b. Provide linkages for pedestrians to the adjacent residential areas.*
- c. Buffer adjacent residences with vegetative screens.*
- d. Minimized paved areas through joint use of driveways, parking, and maneuvering areas.*

The proposal complies with Zoning Code requirements for additional landscaped areas and trees on the Subject Property, including at the perimeters of the property. The proposal also complies with the Zoning Code requirement for five-foot-wide, paved pedestrian pathways to adjacent public sidewalks. Since the proposed development is adjacent to single-dwelling residential lots, shared use of driveways, parking, and maneuvering areas with neighboring properties is not practical.

The Hearings Officer finds the proposal to be consistent with each of the relevant policies of the Cully/Parkrose Community Plan. Therefore, the Hearings Officer finds criterion E is met.

ADJUSTMENT REVIEW APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

- A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The proposed Adjustment would reduce the minimum number of long-term bike parking spaces for the Household Living use on the Subject Property from 153 to 18 (Zoning Code Section 33.266.210.A).

The purpose of the bike parking requirement is stated in Zoning Code Section 33.266.200:

Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's goal that 10 percent of all trips be made by bicycle.

Without the Adjustment, at least 1.1 long-term bike parking spaces would be required for each apartment unit on the Subject Property, including the existing apartments (Zoning Code Sections 33.266.210.A, 33.258.070.D.2). However, the existing apartments on the Subject Property are for retirees, and the new development would consist of a memory care facility and an independent living apartment building for seniors. The bike parking demand for this population is less than that of the general population. The proposed Adjustment would reduce the requirement to one long-term bike parking space for every eight apartments, which matches the requirement in Zoning Code Section 33.229.040.C.2 for certain covenant-restricted senior housing developments.

Each of the 18 long-term bike parking spaces would have to meet the minimum security, dimensional, and spacing requirements for bike lockers or bike racks in Zoning Code Section 33.266.220.C. The bike parking spaces would also have to meet the additional security requirements for long-term bike parking in Zoning Code Section 33.266.220.B.2.d. Compliance with these requirements would be verified during the building permit review and inspection process.

PBOT reviewed the proposal and responded with no objection to approval of the Adjustment (Exhibit E-2).

For the reasons stated above, the Hearings Officer finds that adequate safe and convenient bike parking would be provided to meet the anticipated demand, therefore equally meeting the purpose of the standard. The Hearings Officer finds this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Because the Subject Property is in a residential zone, Applicant must demonstrate that the proposal would not detract from the livability or appearance of the surrounding residential area. The Hearings Officer finds the proposal to reduce the number of long-term bike parking spaces required would have no impact on neighborhood aesthetics. PBOT reviewed the proposal and responded with no objection to approval of the Adjustment (Exhibit E-2). Since the demand for long-term bike parking is not anticipated to exceed the proposed supply, the Adjustment would not affect the mode split for the Subject Property, and therefore would not affect vehicle traffic or the demand for on-street vehicle parking in the surrounding neighborhood.

For these reasons, the Hearings Officer finds the proposal would not result in negative impacts to neighborhood livability or appearance. The Hearings Officer finds this criterion is met.

- C.** If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: As only one Adjustment is requested, the Hearings Officer finds this criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic or historic resource designations mapped on the Subject Property, the Hearings Officer finds this criterion is not applicable.

- E.** Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: As discussed in the findings for approval criterion A, the Hearings Officer finds that the proposal would equally meet the purpose of the minimum bike parking regulation, and as discussed in response to approval criterion B, the proposal would have no adverse impacts on the livability or appearance of the surrounding area. As there are no adverse impacts

identified for which mitigation would be needed, the Hearings Officer finds this criterion is not applicable.

- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the official zoning maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on the Subject Property, the Hearings Officer finds this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards 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 Hearings Officer found the proposed Comprehensive Plan Map Amendment to be consistent with the relevant goals and policies of the Comprehensive Plan and adequate public services are available to re-zone the Subject Property to R1.

The proposed Conditional Use Master Plan contains all of the components required by the Zoning Code and would comply with the applicable Conditional Use approval criteria. The proposal would not significantly lessen the residential appearance and function of the area, and the proposal includes elements to mitigate differences in appearance and scale with neighboring development. The proposal is not expected to cause significant adverse impacts on neighbors' livability and is found to be consistent with the Cully/Parkrose Community Plan.

The proposed Adjustment to the bike parking requirement would be consistent with the purpose of the standard and would not detract from the livability or appearance of the neighborhood.

The Hearings Officer finds that each of the applicable approval criteria are met with the conditions of approval listed below.

IV. RECOMMENDATION

Approval of the following:

- Comprehensive Plan Map Amendment to remove the two current Comprehensive Plan Map designations (Single-Dwelling 7,000 and Multi-Dwelling 2,000) and apply the Multi-Dwelling 1,000 designation to the entire Subject Property described as:

BLOCK 21&22 TL 11100, CASMUR; BLOCK 3, PLANTATION; TL 2700 0.29 ACRES, SECTION 27 1N 2E; TL 2900 0.33 ACRES, SECTION 27 1N 2E; LOT 1, PARTITION PLAT 2003-109; LOT 2, PARTITION PLAT 2003-109;

- Zoning Map Amendment to remove the current R7 and R2 zoning designations and apply the R1 zoning designation to the entire Subject Property as described above;
- Conditional Use Master Plan for the Parkview Christian Retirement Community (Zoning Code Section 33.820.050) as detailed in Exhibit A-3; and
- Adjustment to reduce the minimum number of long-term bike parking spaces for the Household Living use on the Subject Property from 153 to 18 (Zoning Code Section 33.266.210.A);

all per the approved plans, Exhibits C-1 through C-5, and subject to conditions of approval as specified below:

Conditions applying to the Zoning Map Amendment

- A. If the Parkview Christian Retirement Community is ever demolished and the Subject Property is proposed to be completely redeveloped, development on the Subject Property must be limited to a maximum of 70 dwelling units. Reconsideration of this condition of approval would require a new Type III Zoning Map Amendment review subject only to approval criterion 33.855.050.B.2.c. (This condition of approval does not apply to the Conditional Use Master Plan developments approved in this review.)
- B. Prior to any future building permit approval, a stormwater management plan must be submitted which shows no infiltration of stormwater within the area of contamination, or which includes soil testing information showing that contamination will not be further mobilized on or off the Subject Property, to the satisfaction of the Bureau of Environmental Services.

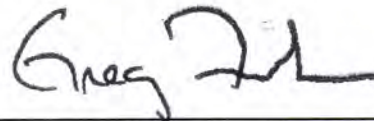
Conditions applying to the Conditional Use Master Plan

- C. The Conditional Use Master Plan expires 10 years from the date the City Council's decision becomes final.

- D. Prior to approval of the first building permit under the Conditional Use Master Plan, Applicant must either revise the proposed stormwater management plan so that infiltration of stormwater is not proposed within the area of contamination, or provide soil testing information showing that contamination will not be further mobilized on or off the Subject Property, to the satisfaction of the Bureau of Environmental Services.
- E. The new parking lot in the northeast corner of the Subject Property must be constructed before the final occupancy approval for the new 22-unit, independent living apartment building.
- F. The new parking lot in the northwest corner of the Subject Property must be constructed before the final occupancy approval for the new 26-bed memory care building.

Conditions applying to the Conditional Use Master Plan and Adjustment

- G. As part of each building permit application submittal, each of the required site plans and additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-113086."



Gregory J. Frank, Hearings Officer

August 13, 2018

Date

Application Determined Complete:	July 31, 2017
Report to Hearings Officer:	July 6, 2018
Recommendation Mailed:	August 13, 2018

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

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

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

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

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

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

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

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

Expiration of this approval. Conditional Use Master Plans and any concurrent reviews other than a Zone Change or Comprehensive Plan Map Amendment remain in effect until:

- All development allowed by the plan is completed; or
- The plan is amended or superseded; or
- As specified in the plan; or
- As otherwise specified in the final decision.

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:

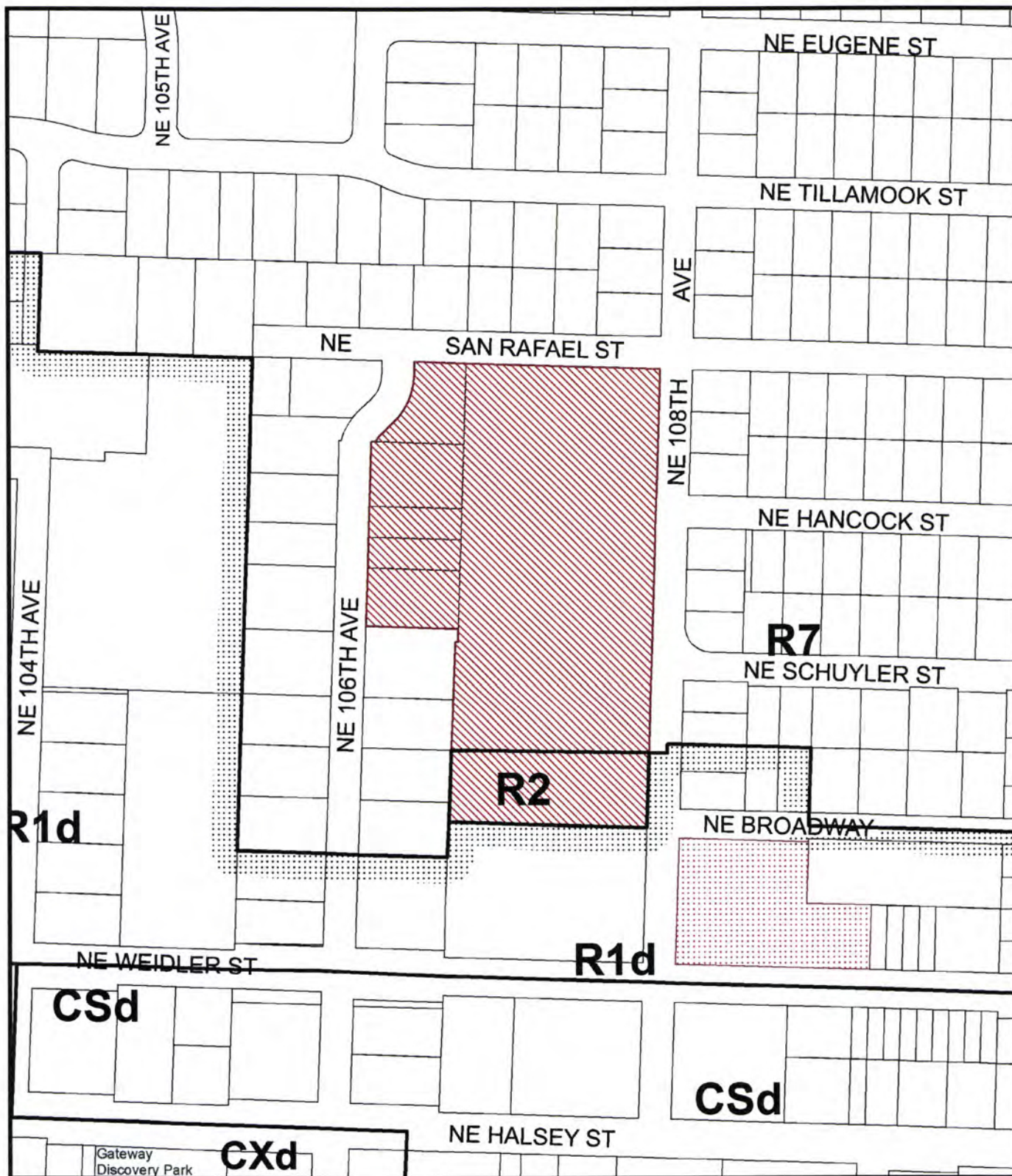
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and

- 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's original narrative
 - 2. Applicant's revised narrative, received October 11, 2017
 - 3. Applicant's final revised narrative, received March 13, 2018
 - 4. Letter from applicant, dated October 10, 2017
 - 5. Letter from applicant, dated February 12, 2018
 - 6. Stormwater and geotechnical report
 - 7. Transportation impact study
 - 8. Arborist's report
 - 9. Neighborhood meeting document
 - 10. E-mail from applicant, dated July 26, 2017
 - 11. Trio report
 - 12. Applicant's response to 2035 Comprehensive Plan goals and policies
 - 13. Applicant's proposed zoning maps and perspective drawings
 - 14. Applicant's plan set submitted October 11, 2017 (superseded by later exhibits)
 - 15. Existing conditions plan
 - 16. Demolition plan
 - 17. Tree plan
 - 18. Revised tree plan, submitted May 18, 2018
 - 19. Tentative plat plan
 - 20. Fire access plan
 - 21. Grading plan
 - 22. Utility plan
 - 23. Floor plans and perspective drawings
 - 24. Revised fire access plan and bike path plan, submitted May 18, 2018
- B. Zoning Maps
 - 1. Existing zoning (**attached**)
 - 2. Proposed zoning (**attached**)
- C. Plans and Drawings
 - 1. Site Plan (**attached**)
 - 2. Building elevations for new memory care building (**attached**)
 - 3. Building elevations for new apartment building (**attached**)
 - 4. Building elevations for addition to existing apartment building in the interior of the site (**attached**)
 - 5. Landscaping plan (**attached**)
- D. Notification Information
 - 1. Request for Response

2. Posting letter and posting sign for original May 2, 2018 hearing
 3. Applicant's statement certifying posting for original May 2, 2018 hearing
 4. Mailing list for Notice of Public Hearing for original May 2, 2018 hearing
 5. Mailed Notice of Public Hearing for original May 2, 2018 hearing
 6. Mailed notice that May 2, 2018 public hearing was postponed indefinitely
 7. Revised posting sign for hearing rescheduled to July 16, 2018
 8. Applicant's statement certifying posting for hearing rescheduled to July 16, 2018
 9. Mailing list for Notice of Public Hearing for hearing rescheduled to July 16, 2018
 10. Mailed Notice of Public Hearing for hearing rescheduled to July 16, 2018
- E. Agency Responses
1. Bureau of Environmental Services
 2. Portland Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Review Section of BDS
 7. Bureau of Parks, Urban Forestry Division
 8. Police Bureau
 9. Bureau of Planning and Sustainability
- F. Correspondence
1. Letter from Sheri Peters, dated September 1, 2017
- G. Other
1. Land use application form and receipt
 2. Incompleteness determination letter, dated October 23, 2017
- H. Received in the Hearings Office
1. Notice of a Rescheduled Hearing - Gulizia, Andrew
 2. Staff Report and Recommendation to the Hearings Officer - Gulizia, Andrew
 3. Master Plan Site Maps (10 pages) - Tull, Andrew
 4. PowerPoint Presentation Printout - Gulizia, Andrew
 5. Record Closing Information - Hearings Office
 6. Mailing Address form - Milsark, Keith
 7. Letter dated 7/13/18 - Altig, Velda
 8. Letter (Undated) - Henry, Mrs. G.
 9. Letter dated 7/12/18 - Newton, Verna
 10. Cover Letter from Garrett Stephenson to Hearings Officer - Stephenson, Garrett
 11. Letter from Matt Bell dated 7/19/18 (marked Exhibit 1) (2 pages) - Stephenson, Garrett
 12. Site Plan (Sheet Number C200 (marked Exhibit 2 page 1 of 1)) - Stephenson, Garrett
 13. Elevation Floor Plans (marked Exhibit 3) (2 pages) - Stephenson, Garrett
 14. PortlandMaps Printout for 10605 NE San Rafael St (marked Exhibit 4) (6 pages) - Stephenson, Garrett
 15. 7/27/18 Applicant's Final Written Argument (4 pages) - Stephenson, Garrett

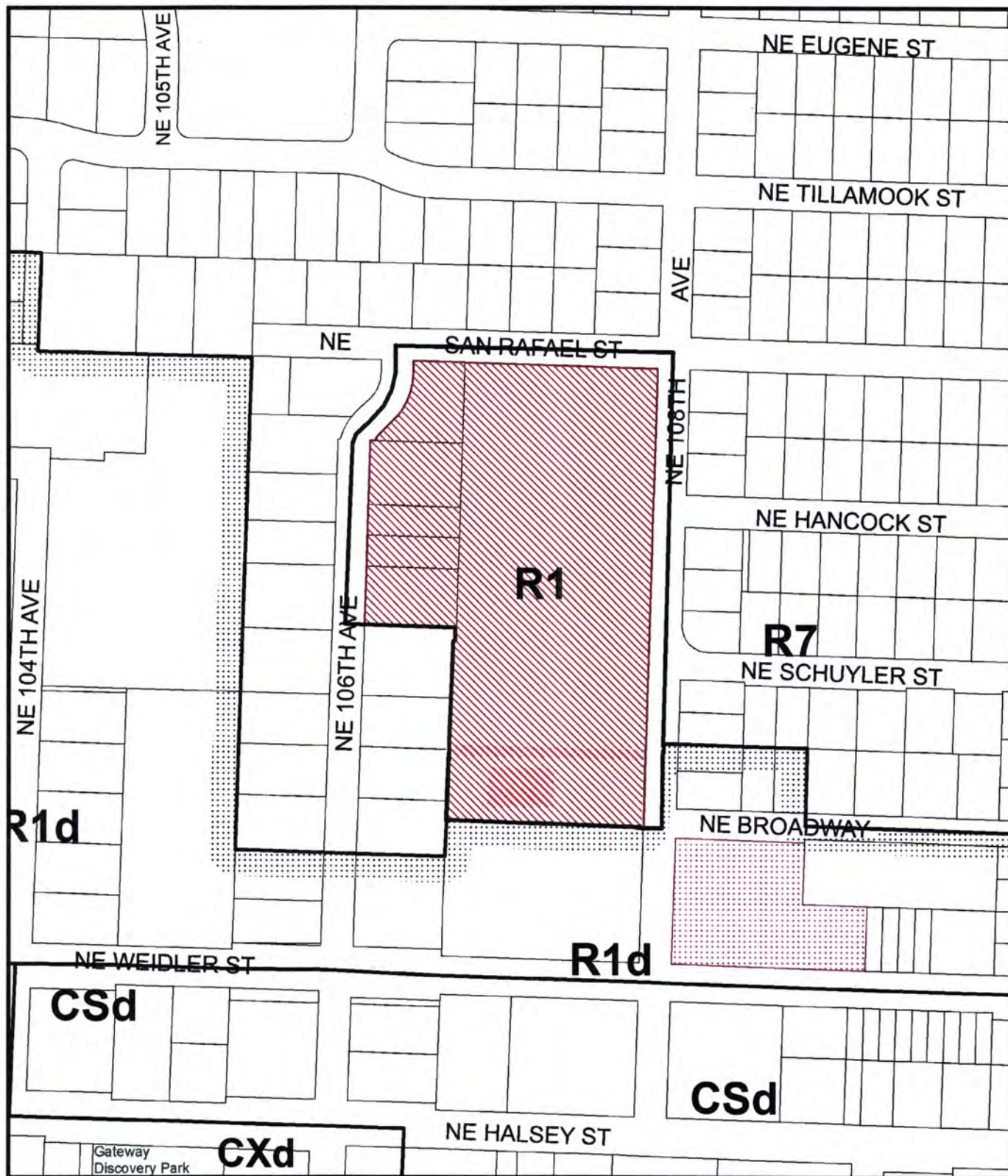


EXISTING ZONING



- Site
- Also Owned Parcels

File No. LU 17-113086 CP ZC CUMS AD
 1/4 Section 2841
 Scale 1 inch = 200 feet
 State_Id 1N2E27CD 11100
 Exhibit B (April 9, 2018)

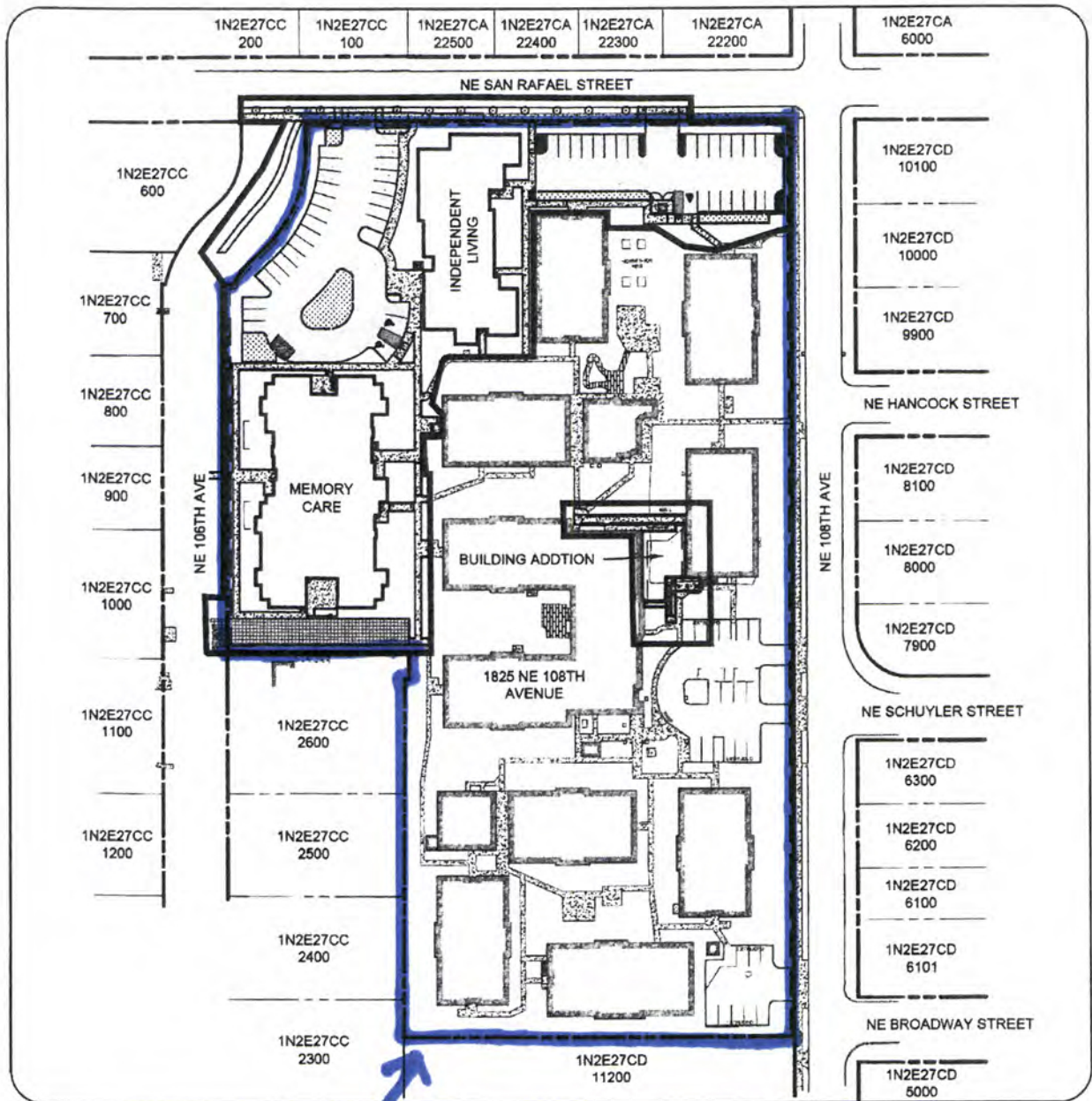


**PROPOSED
ZONING**



-  Site
-  Also Owned Parcels

File No. LU 17-113086 CP ZC CUMS AD
 1/4 Section 2841
 Scale 1 inch = 200 feet
 State_Id 1N2E27CD 11100
 Exhibit B (April 9, 2018)



Master Plan
boundary



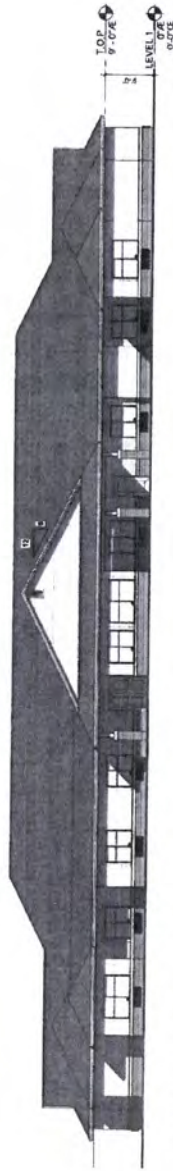
LU 17-113086 CP ZC
CU MS
AD

Exhibit C-1

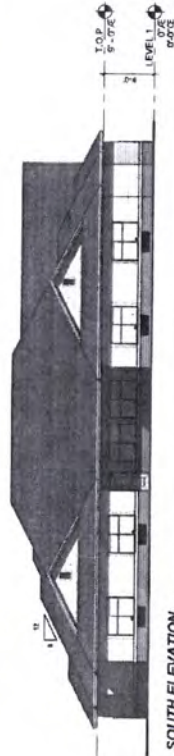
LV17-113086 CP ZC CU MS AD
Exhibit C-2



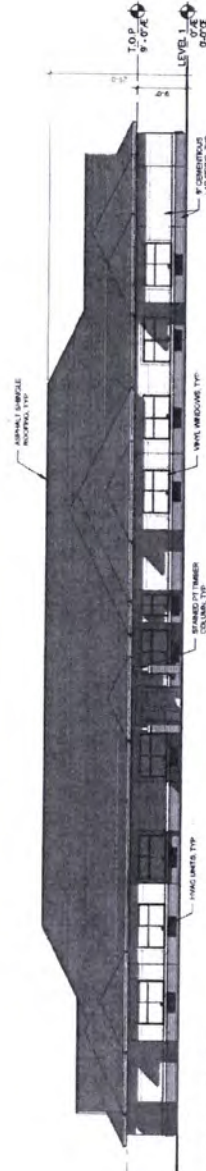
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

SCALE 1" = 16'-0"

ELEVATIONS

Parkview
CHRISTIAN RETIREMENT COMMUNITY
1825 NE 108TH AVE
PORTLAND, OR 97220
WWW.PARKVIEWRETIREMENT.ORG

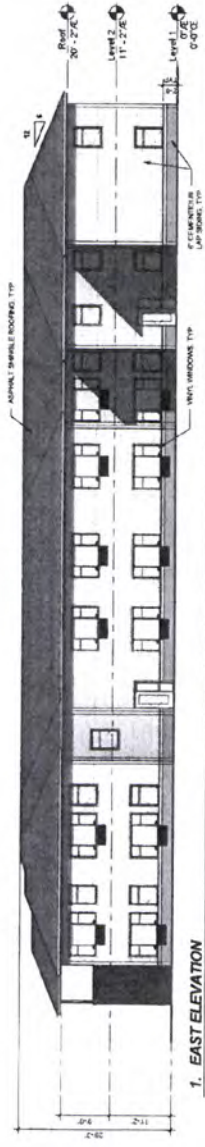
PARKVIEW MEMORY CARE
1825 NE 108TH AVE
PORTLAND, OR 97220

DATE CREATED: 1-28-2017

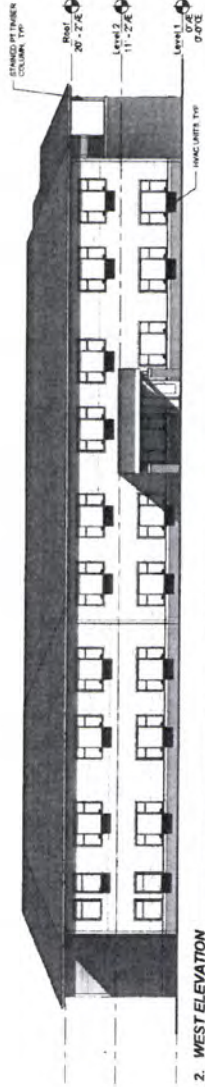
LRS
ARCHITECTS
700 NE 10TH AVE, SUITE 200
PORTLAND, OR 97232
503.251.1100
www.lrsarchitects.com

LV 17-113086 CP ZC CU MS AD

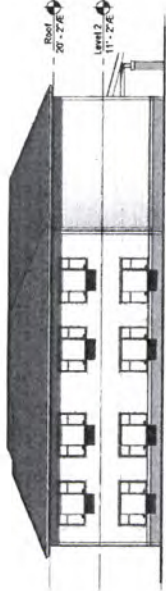
LU 17-113086 CP ZC CUMS AD
Exhibit C-3



1. EAST ELEVATION



2. WEST ELEVATION



3. NORTH ELEVATION



4. SOUTH ELEVATION

SCALE 1" = 16'-0"

Parkview
CHRISTIAN RETIREMENT COMMUNITY
1825 NE 108th Ave
PORTLAND, OR 97220
WWW.PARKVIEW-RETIREMENT.ORG

EXTERIOR ELEVATIONS

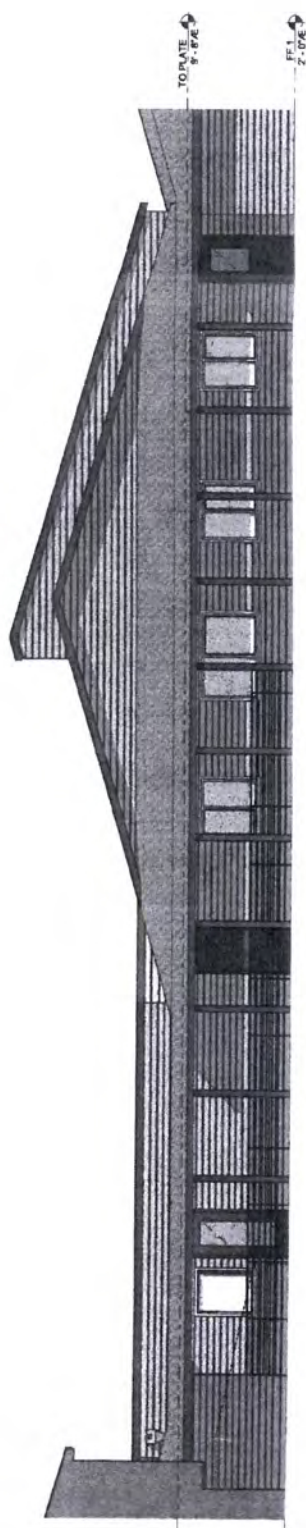
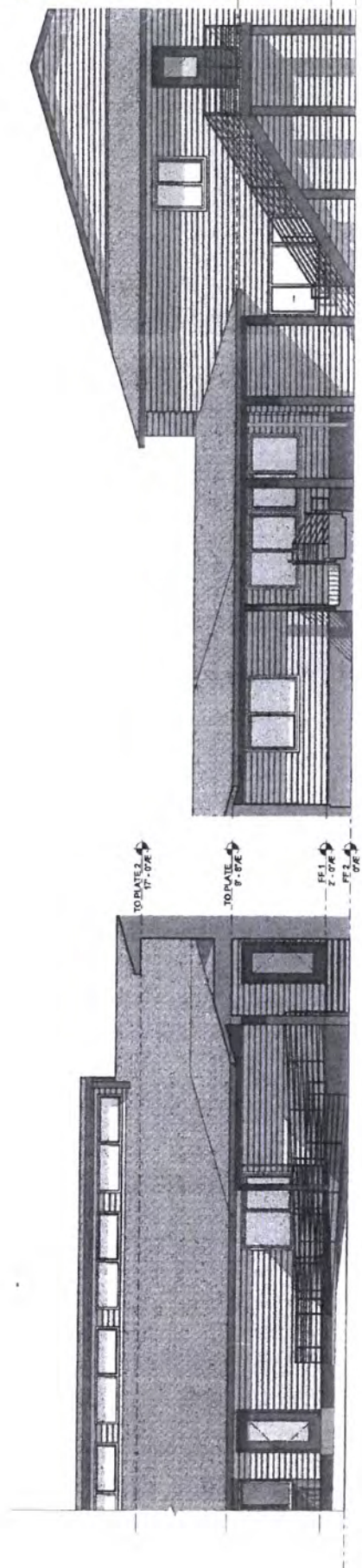
PARKVIEW INDEPENDENT LIVING
1825 NE 108th Ave
Portland, OR 97220

DATE CREATED 7-26-2017

URS
ARCHITECTS
700 NE Oregon Street
Portland, OR 97232
Phone: 503.253.1000
Fax: 503.253.1001
www.urscorp.com
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LU 17-113086 CP ZC CU MS AD
 Exhibit C-04



SCALE: 1/4" = 1'-0"

Parkview
 CHRISTIAN RETIREMENT COMMUNITY
 1625 NE 108TH AVE
 PORTLAND, OR 97220
 WWW.PARKVIEWRETIREMENT.ORG

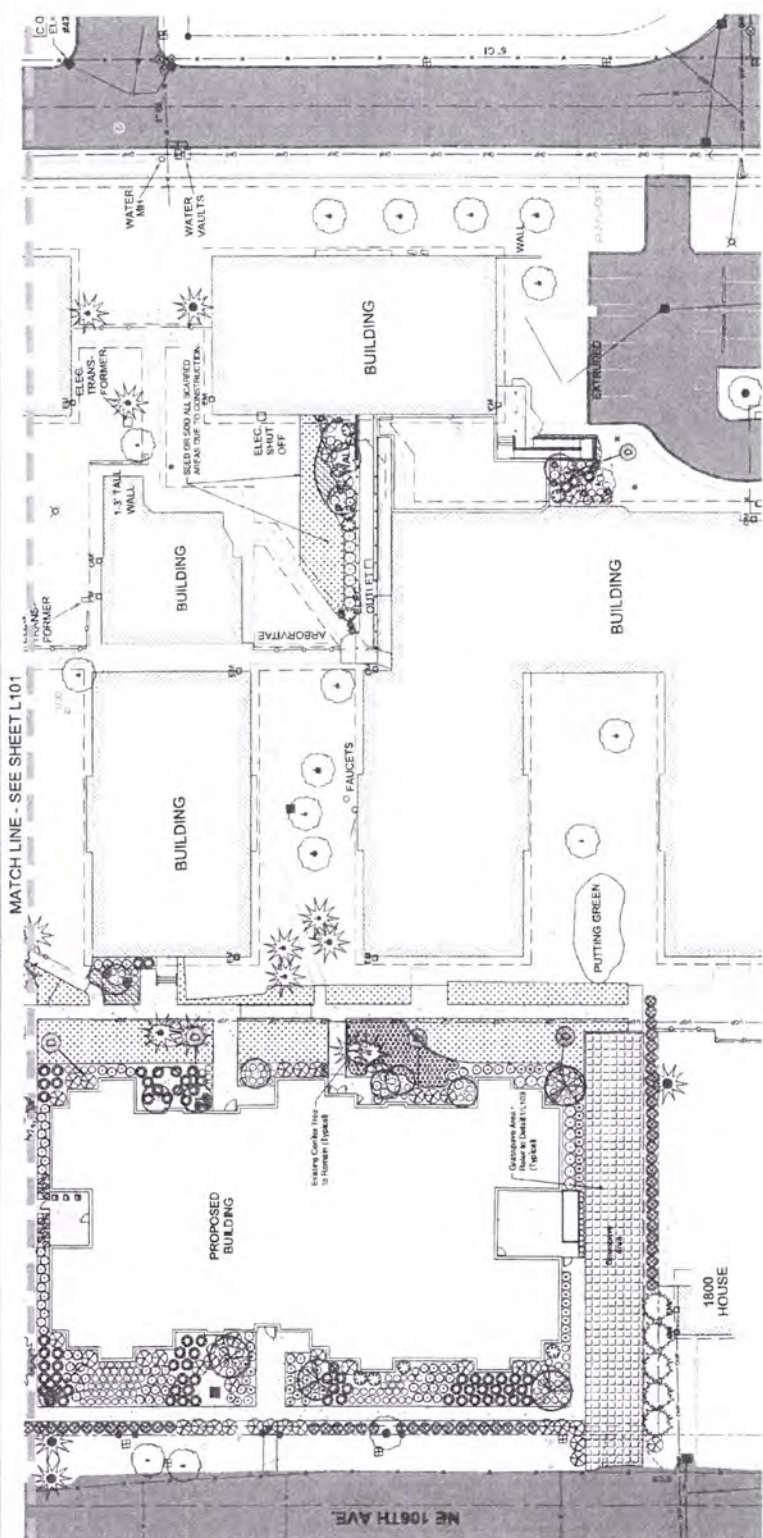
EXTERIOR ELEVATIONS

Parkview Community Center Expansion
 1625 NE 108TH AVE
 PORTLAND, OR 97220

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 ARCHITECTS
 700 NE Oregon St., Suite 200
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 Fax: 503.251.1201
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LU 17-113086 CP ZC CU MS AD

NOT FOR CONSTRUCTION



REFER TO SHEET L101 FOR
PLANT SCHEDULE

REFER TO SHEET L103 FOR
PLANTING DETAILS & NOTES



NOT FOR CONSTRUCTION

