

## ORDINANCE No. 189212 As Amended

Remove conditions of approval imposed by prior Comprehensive Plan Map and Zoning Map amendment ordinances for property at 2855 SW Patton Rd, at the request of Tim Sotoodeh, Southwest Hills LLC (Ordinance; amend Ordinance Nos. 155609 and 160473; LU 18-112666 CP ZC)

The City of Portland ordains:

Council finds:

1. The Applicant seeks, for property at 2855 SW Patton Road, State ID No. 1S1E08AA 13200, legally described as "Tax Lot 13200 of Block P, Greenway Addition" (hereinafter the "site"), the removal of various conditions of approval associated with 1984 and 1988 zone change-related Ordinances. Specifically, the Applicant seeks to remove the following conditions:
  - a) Delete conditions contained in directives c.1.a, c.1.b, c.1.c, c.1.d, c.1.e, c.1.f, c.1.g, c.1.h, c.1.k, c.1[sic], c.2.a, c.2.b, c.2.c, c.2.d, c.2.e, c.3.a, c.3.b, c.3.c, c.3.d, c.4.a, c.4.b, c.5, c.6, c.7, c.8. of Ordinance No. 155609; and
  - b) Delete conditions contained in directive b (amending Ordinance No. 155609 Condition c.1.i), directive c (amending Ordinance No. 155609 Condition c.1.j), directives d.1 through d.10, and Section 2 of Ordinance No. 160473.
2. Code Section 33.730.140.A requires changes to conditions of approval to be processed using the current procedure and approval criteria for the original land use review. To remove conditions of a prior Comprehensive Plan Map Amendment and Zone Map Amendment, the Applicant applied for Comprehensive Plan Map and Zoning Map amendments.
3. The City received an application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendment of the Comprehensive Plan Map and Zoning Map with the proper fee for filing paid.
4. The Hearings Officer held a duly noticed public hearing on May 2, 2018, a continued hearing on May 30, 2018, and issued a Recommendation on June 21, 2018 (BDS File No. LU 18-112666 CP ZC). The Hearings Officer recommended conditional approval of the requested Comprehensive Plan Map Amendment and Zoning Map Amendment to remove the conditions of approval.
5. Based on the findings and conclusions contained in Exhibit A, the City Council finds the requested Comprehensive Plan Map and Zoning Map Amendments, which delete specific conditions of approval from Ordinances No. 155609 and 160473, are in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a) City Council adopts the findings and conclusions attached as Exhibit A.
- b) The Comprehensive Plan Map Amendment and Zoning Map Amendment for the site are conditionally approved as follows:
  - 1. **Approval of a Comprehensive Plan Map Amendment and Zoning Map Amendment**, for the site at 2855 SW Patton Road, Taxlot 13200 of Block P, Greenway Addition and amend Ordinance Nos. 155609 and 160473 to eliminate various conditions of approval from prior zone change-related Ordinances at the site, as follows:
    - a. Delete directives c.1.a, c.1.b, c.1.c, c.1.d, c.1.e, c.1.f, c.1.g, c.1.h, c.1.k, c.1[sic], c.2.a, c.2.b, c.2.c, c.2.d, c.2.e, c.3.a, c.3.b, c.3.c, c.3.d, c.4.a, c.4.b, c.5, c.6, c.7, c.8 of Ordinance No. 155609; and
    - b. Delete directive b (amending Ordinance No. 155609 Condition c.1.i), directive c (amending Ordinance No. 155609 Condition c.1.j), directives d.1 through d.10, and Section 2 of Ordinance No. 160473.
  - 2. The above approvals are granted subject to the following conditions of approval:
    - A) As part of the future building permit applications at the site, any of the following development-related conditions (B through C) that are relevant to the project must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "REQUIRED ZONING COMPLIANCE PAGE - Case File LU 18-112666 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must include descriptive written notes documenting conformance with the conditions as necessary.
    - B) (*Bureau of Environmental Services*) Prior to the issuance of any building permit that would result in an increase or modification of building area within existing City of Portland sewer easements, the proposed work must be evaluated by the Bureau of Environmental Services and any concerns related to the project must be addressed by the property owner to the satisfaction of the Bureau of Environmental Services, up to and including project modification to remain outside the easement areas, or re-routing the public sewer in a new easement so that the existing alignment and easements can be abandoned. This condition does not apply to tenant improvements within the existing building within the existing easement areas.
    - C) (*Portland Bureau of Transportation*) The following conditions of approval apply to all future proposed development, alterations, and uses on the subject site:

1. **New development or building expansion or re-use of the existing building**, as defined by the Bureau of Development Services, shall be allowed only if limited to land use and trip rate allocations per *Table 1*, below. That table specifies that total trips for new construction shall not exceed 73 AM peak hour trips. The applicant shall be responsible for providing an accounting of all square footages of each proposed use, as well as existing uses, and the conversion to trips for each Building Permit application.

Table 1. Trip Cap

<b>Land Use and Trip Rate Allocations<sup>1</sup></b>		
<b>Maximum 73 AM Peak Hour Trips</b>		
<b>Land Use<sup>2</sup></b>	<b>Independent Variable</b>	<b>ITE 10th Ed. Trip Rate per Independent Variable<sup>3</sup></b>
Household Living (Multifamily Housing Low-Rise, ITE 220)	1 dwelling unit	0.46 trips
Group Living (Senior Adult Housing - Attached, ITE 252)	1 dwelling unit	0.20 trips
Schools (Elementary School, ITE 520)	1 student	0.67 trips
Colleges (University/College, ITE 550)	1 student	0.15 trips
Day Care (Day Care Center, ITE 565)	1,000 square feet	11.00 trips
General Office (General Office Building, ITE 710)	1,000 square feet	1.16 trips
Medical Office (Medical-Dental Office Building, ITE 720)	1,000 square feet	2.78 trips
Retail Sales and Services (High-Turnover Sit-Down Restaurant, ITE 932)	1,000 square feet	5.67 trips

<sup>1</sup>The independent variable shall be converted to trips and compared to the maximum established. The established trip rates for these land use categories shall not be altered.

<sup>2</sup>Per Zoning Code chapter 33.920, Description of Use Categories

<sup>3</sup>All trip rates in this table are based on the highest and most reasonable AM Peak Hour ITE Trip Generation 10th Edition rates for uses in each category.

2. **For reuse of the existing building, not to include building expansion, the applicant may opt to enter into a Type II Transportation Impact Review to document that the proposed development complies with the trip cap.** For the Transportation Impact Review required by this condition,

the application is not subject to the supplemental application requirements noted at 33.852.105.A-I. As part of the application materials, and as the sole approval criterion for the TIR required by this application (replacing those at 33.852.110.A-D) the applicant must provide a memo from a traffic engineer licensed in the State of Oregon successfully demonstrating that the proposed use(s) is (are) not expected to generate vehicle trips that exceed any of each of the following thresholds:

- A. 2,168 daily trips, OR
  - B. 73 weekday AM peak hour trips, OR
  - C. 200 PM peak hour trips
- D) (*Bureau of Development Services*) Re-use of the existing building or any redevelopment project at the site must provide at least 3,000 square feet to accommodate a retail sales and service use. The site owner shall be allowed to convert all 3,000 square feet to any other allowed use in the zone if the owner of the site or their designated agent demonstrates that the site was marketed for retail use for one year from substantial completion of the retail shell space and no retail sales and service tenant has entered into a lease or sale agreement for the space.
- E) (*Bureau of Development Services*) The applicant must complete the Neighborhood Contact process as noted at PCC 33.130.050 and 33.700.025 during the design development phase of any redevelopment project for the site, with the added requirement that all neighbors included on the mailing list for this land use review receive the initial and follow-up notification letters. Registered mail receipts shall remain a requirement for the recognized association letters per 33.700.025, but individual neighbor letters need not be certified.

Passed by the Council: OCT 17 2018

Commissioner Chloe Eudaly  
 Prepared by: Mark Moffett, BDS  
 Date Prepared: August 8, 2018

**Mary Hull Caballero**  
 Auditor of the City of Portland

By

Deputy



842-955-99910481076

Agenda No.  
**ORDINANCE NO. 189212 As Amended**  
Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Chloe Eudaly</b>	CLERK USE: DATE FILED <b>JUL 31 2018</b>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance & Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly <i>CPE, J. Fritz</i>	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau of Development Services <i>Rebecca Esau</i> Rebecca Esau, Director Prepared by: Leanne Torgerson Date Prepared: July 25, 2018 Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>City Auditor Office Approval:</b> required for Code Ordinances <b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i> Council Meeting Date <b>August 8, 2018, 2:00 TC</b>	<b>ACTION TAKEN:</b> AUG 08 2018 <b>CONTINUED TO</b> SEP 06 2018 <b>2 P.M Time Certain</b> SEP 06 2018 <b>CONTINUED TO</b> SEP 20 2018 <b>2:45PM Time Certain</b> SEP 20 2018 <b>CONTINUED TO</b> OCT 10 2018 <b>10:40AM Time Certain</b> OCT 10 2018 <b>PASSED TO SECOND READING As Amended OCT 17 2018 10:35AM Time Certain</b>

<b>AGENDA</b> <i>2 of 2</i> <b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 2:00 pm</b> <b>Total amount of time needed: 120 minutes</b> (for presentation, testimony and discussion) <b>CONSENT</b> <input type="checkbox"/> <b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed: _____</b> (for presentation, testimony and discussion)
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FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman		<input checked="" type="checkbox"/>
4. Eudaly	4. Eudaly	<input checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	