

AMENDMEND TO DOWNTWON PLAN REVIEW ORDINANCE C. C. 2084

also Section 2, Subsection 3

In Section 1, subsection 3, the language shall be amended as follows:

the words "Plan Concept, Goals and" shall be
added after the words "on the basis of the"
and before the words "Planning Guidelines."



CITIZENS' ADVISORY COMMITTEE
424 S. W. Main
Portland, Oregon 97204
248-4292
June 19, 1973

Mr. Alan Webber The Mayor's Office City Hall Portland, Oregon 97204

> Re: Revision and Extension of Downtown Review Ordinance

Dear Alan:

I have reviewed the ordinance revising and extending the time of the Downtown Plan Review process.

As Chairman of the Citizens' Advisory Committee, I would like to make some comments about the proposed ordinance. In Subsection 3 there could be some confusion as to the basis for decision-making. Is it the intent of the ordinance to limit this basis to the "planning guidelines" to the exclusion of the Citizen Goals and the section entitled "Plan Concept"? If this is the case, then the second sentence in Subsection 3 may need to be reworked because technically there are no goals in the planning guidelines.

When our committee developed the goals, in theory the planners developed the planning guidelines on the basis of those goals.

If it is the intent of the drafter to include the Citizen Goals as a basis for decision-making, then it seems to me the ordinance should state specifically that this is the case.

These comments are my own thoughts and are not the comments of the committee as a whole.

Very truly yours,

Dean P. Gisvold, Chairman

DPG:bc cc: Valerie Peurasaari

RECEIVED
JUN 20 1973

MAYOR'S OFFICE

The fee for such application shall be fifty dollars except the following: Conversions to two family use, thirty-five dollars; excavating or filling, thirty-five dollars; provided, however, that the commission may waive the required fifty dollar fee, in whole or in part, and the required public hearing if the commission finds that the approval requested relates to a matter which constitutes a minor improvement of low cost and does not change the use nor pose a question

of public importance.

The city auditor shall compile a list of the names and addresses of all persons owning real property within the affected area. The affected area is all real property located within lines four hundred feet, including intervening street widths, from and parallel to the boundaries of the conditional use site, and such other contiguous area as is under the legal control of the applicant. In the case of excavating and filling, the distance defining the affected area shall be one hundred fifty feet, including intervening street widths, in each direction from the conditional use except along the frontage or access street where the distance shall be four hundred feet, including intervening street widths, from the side boundaries. The commission shall hold a public hearing on each application for a conditional use. The commission shall notify the city auditor of the date of the public hearing and the auditor shall mail notices of the public hearing to all property owners within the affected area at least fourteen days prior to the date of hearing.

The commission shall make its findings and determination in writing within sixty days from the date of filing of an application and shall forthwith transmit a copy thereof to the applicant, the city auditor and the bureau of

buildings.

33.106.030 Effectiveness and appeal. (Amended by Ord. No. 132408 passed Mar. 25, effective Apr. 26, 1971.) Except for conditional uses for off-street parking structures as a principal use, if the order or decision of the commission grants all or any portion of an application and the commission determines there is no person eligible to appeal such order or decision, such order or decision shall become effective immediately. Otherwise, no order of the commission under this chapter shall become effective until after an elapsed period of fourteen days from the date the written determination is

made. No order of the commission granting a conditional use for an off-street parking structure as a principal use shall become effective until after an elapsed period of 14 days from the date the written determination of the commission is made.

During the time prior to effectiveness, if any, any person aggrieved by a decision of the commission may appeal such decision to the city council by filing with the city auditor a written notice of appeal and a copy with the secretary of the commission, provided that he is an applicant whose application has been denied or specially conditioned, or that he is a person who objected either personally or in writing to the application and the grounds he stated have not been removed. Notwithstanding the foregoing limitations on eligibility to appeal, any person aggrieved by a decision of the commission relating to an off-street parking structure as a principal use may appeal such decision to the city council in accordance with the foregoing procedure whether or not he objected either personally or in writing prior to the decision of the commission.

The secretary of the commission shall within fourteen days file with the a ditor a report on the grounds for such decision and a list of persons appearing on the matter before the commission and any list of owners supplied with the original application. The auditor shall fix a date for public hearing on the appeal which shall not be more than twenty days after receipt of the secretary's report set forth above, notifying the appellant and all other persons who have appeared before the Commission on the matter and all other owners within the applicable notification area set forth in Section 33.106.020. At the time of hearing or thereafter, the council may affirm, modify, or reverse the decision of the commission. Such affirmance, modification or reversal may be made by motion, and shall not require separate permit or ordinance, but the auditor shall transmit to the secretary of the commission the effect of the action taken, which shall be made in the form of an order and shall be preserved along with the actions of the commission in similar classes of decisions.

In no event, however, shall any order by the commission or by the council, become effective until the applicant, and property owner if different, has accepted the terms of the order in

1791 6-30-71

ORDINANCE NO. 136908

An Ordinance amending Title 33, Planning and Zoning Regulations of the Code of the City to provide for continuation of Downtown Plan Review, reference to Planning Guidelines adopted by the Council, appeal and hearing procedures, exclusion of existing urban renewal areas, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Title 33, Planning and Zoning Regulations, of the City code contain a Downtown Plan Review procedure applicable within the downtown area as defined; that the provisions thereof pursuant to Ordinance No. 134895 terminate June 30, 1973; that Planning Guidelines, Portland Downtown Plan, were adopted by the Portland City Council on December 28, 1972 by Council Agenda No. 3958; that provision should be made within the Downtown Plan Review section for reference to the Planning Guidelines as adopted and the Downtown Planning Review section should be amended so as to conform with the goals and planning guidelines contained therein; that a more specific hearing and appeals section should be provided to eliminate uncertainty and confusion for persons presenting matters to the Planning Commission in Council and that it is appropriate and in the public interest to continue the Downtown Plan Review as hereinafter set forth until final Downtown Zoning regulations are developed and presented to the City Council; now, therefore, Title 33, the Planning and Zoning Regulations of the Code of the City of Portland, hereby is amended by deleting the present section and substituting therefor a new section to be numbered, entitled, and to read as follows:

33.34.135. Downtown Plan Review. Notwithstanding other provisions of this chapter, the following regulations shall govern the Downtown Plan Review as to any uses or permits or approvals therefor prior to June 30, 1974:

The Downtown Plan Review Area is the area bounded by N.W. Davis Street on the north, the Willamette River on the east, and the Stadium Freeway on the south and west; excluding the existing South Auditorium and Portland State Urban Renewal projects.

- (1) Approval of the Planning Commission shall be obtained prior to commencement of any phase of construction within the Downtown Review Area of (a) any new building or structure, (b) enlargement of an existing building or structure, (c) construction of surface off-street parking, covered off-street parking, or off-street loading facility, and drive-in business facility except that approval of surface parking or drive-in business facilities may be granted on a temporary basis for a limited time.
- (2) The Planning Commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph 1 of this section.
- (3) In all matters coming within the provisions of this section, decisions of the Planning Commission shall be made on the basis of the Planning Guidelines, Portland Downtown Plan, adopted by the Portland City Council on December 28, 1972, Council Agenda No. 3958. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the Planning Guidelines, then the proposed use shall be approved.
- (4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the Downtown Plan Review Area.
- (5) Hearing and Appeals. Hearing and notification procedures utilized by the Planning Commission for the purposes of this section shall be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.
- Section 2. Section 33.42.135 of Title 33, Planning and Zoning, of the Code of the City of Portland, hereby is amended by deleting the present section and substituting therefor a new section to be numbered, entitled, and to read as follows:
 - 33.42.135. Downtown Plan Review. Notwithstanding other provisions of this chapter, the following regulations shall govern the Downtown Plan Review as to any uses or permits or approvals therefor prior to June 30, 1974:

The Downtown Plan Review Area is the area bounded by N.W. Davis Street on the north, the Willamette River on the east, and the Stadium Freeway on the south and west; excluding the existing South Auditorium and Portland State Urban Renewal projects.

- (1) Approval of the Planning Commission shall be obtained prior to commencement of any phase of construction within the Downtown Review Area of (a) any new building or structure, (b) enlargement of an existing building or structure, (c) construction of surface off-street parking, covered off-street parking, or off-street loading facility, and drive-in business facility except that approval of surface parking or drive-in business facilities may be granted on a temporary basis for a limited time.
- (2) The Planning Commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph 1 of this section.
- (3) In all matters coming within the provisions of this section, decisions of the Planning Commission shall be made on the basis of the Planning Guidelines, Portland Downtown Plan, adopted by the Portland City Council on December 28, 1972, Council Agenda No. 3958. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the Planning Guidelines, then the proposed use shall be approved.
- (4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the Downtown Plan Review Area.
- (5) Hearing and Appeals. Hearing and notification procedures utilized by the Planning Commission for the purposes of this section shall be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.
- Section 3. Section 33.44.135 of Title 33, Planning and Zoning, of the Code of the City of Portland, hereby is amended by deleting the present section and substituting therefor a new section to be numbered, entitled, and to read as follows:
 - 33.44.135. Downtown Plan Review. Notwithstanding other provisions of this chapter, the following regulations shall govern the Downtown Plan Review as to any uses or permits or approvals therefor prior to June 30, 1974:

The Downtown Plan Review Area is the area bounded by N.W. Davis Street on the north, the Willamette River on the east, and the Stadium Freeway on the south and west; excluding the existing South Auditorium and Portland State Urban Renewal projects.

- (1) Approval of the Planning Commission shall be obtained prior to commencement of any phase of construction within the Downtown Review Area of (a) any new building or structure, (b) enlargement of an existing building or structure, (c) construction of surface off-street parking, covered off-street parking, or off-street loading facility, and drive-in business facility except that approval of surface parking or drive-in business facilities may be granted on a temporary basis for a limited time.
- (2) The Planning Commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph 1 of this section.
- (3) In all matters coming within the provisions of this section, decisions of the Planning Commission shall be made on the basis of the Planning Guidelines, Portland Downtown Plan, adopted by the Portland City Council on December 28, 1972, Council Agenda No. 3958. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the Planning Guidelines, then the proposed use shall be approved.
- (4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the Downtown Plan Review Area.
- (5) Hearing and Appeals. Hearing and notification procedures utilized by the Planning Commission for the purposes of this section shall be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.

Section 4. Section 33.50.135 of Title 33, Planning and Zoning, of the Code of the City of Portland, hereby is amended by deleting the present section and substituting therefor a new section to be numbered, entitled, and to read as follows:

33.50.135. Downtown Plan Review. Notwithstanding other provisions of this chapter, the following regulations shall govern the Downtown Plan Review as to any uses or permits or approvals therefor prior to June 30, 1974:

The Downtown Plan Review Area is the area bounded by N.W. Davis Street on the north, the Willamette River on the east, and the Stadium Freeway on the south and west; excluding the existing South Auditorium and Portland State Urban Renewal projects.

- (1) Approval of the Planning Commission shall be obtained prior to commencement of any phase of construction within the Downtown Review Area of (a) any new building or structure, (b) enlargement of an existing building or structure, (c) construction of surface off-street parking, covered off-street parking, or off-street loading facility, and drive-in business facility except that approval of surface parking or drive-in business facilities may be granted on a temporary basis for a limited time.
- (2) The Planning Commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph 1 of this section.
- (3) In all matters coming within the provisions of this section, decisions of the Planning Commission shall be made on the basis of the Planning Guidelines, Portland Downtown Plan, adopted by the Portland City Council on December 28, 1972, Council Agenda No. 3958. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the Planning Guidelines, then the proposed use shall be approved.
- (4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the Downtown Plan Review Area.
- (5) Hearing and Appeals. Hearing and notification procedures utilized by the Planning Commission for the purposes of this section shall be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.

Section 5. Section 33.52.135 of Title 33, Planning and Zoning, of the Code of the City of Portland, hereby is amended by deleting the present section and substituting therefor a new section to be numbered, entitled, and to read as follows:

33.52.135. Downtown Plan Review. Notwithstanding other provisions of this chapter, the following regulations shall govern the Downtown Plan Review as to any uses or permits or approvals therefor prior to June 30, 1974:

The Downtown Plan Review Area is the area bounded by N.W. Davis Street on the north, the Willamette River on the east, and the Stadium Freeway on the south and west; excluding the existing South Auditorium and Portland State Urban Renewal projects.

- (1) Approval of the Planning Commission shall be obtained prior to commencement of any phase of construction within the Downtown Review Area of (a) any new building or structure, (b) enlargement of an existing building or structure, (c) construction of surface off-street parking, covered off-street parking, or off-street loading facility, and drive-in business facility except that approval of surface parking or drive-in business facilities may be granted on a temporary basis for a limited time.
- (2) The Planning Commission may, as it deems advisable, hold a public hearing on any request within the scope of paragraph 1 of this section.
- (3) In all matters coming within the provisions of this section, decisions of the Planning Commission shall be made on the basis of the Planning Guide-lines, Portland Downtown Plan, adopted by the Portland City Council on December 28, 1972, Council Agenda No. 3958. If it is determined that a proposed development and use at the particular location accords with council adopted goals, land use, environment, circulation and building density elements of the Planning Guidelines, then the proposed use shall be approved.
- (4) Notwithstanding the provisions of this title, there shall be no minimum off-street parking requirements within the Downtown Plan Review Area.
- (5) Hearing and Appeals. Hearing and notification procedures utilized by the Planning Commission for the purposes of this section shall be those specified in Chapter 33.106. Appeals shall use the procedure as provided in 33.106 for an off-street parking structure.

Section 6. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that spec-

ORDINANCE No.

ific reference may be made to the Planning Guidelines as adopted by the Portland City Council for clarity and understanding of Title 33, the Planning and Zoning Code; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council. JUN 2 8 1973

Mayor Goldschmidt June 8, 1973 DJC: at

Attest:

Auditor of the City of Portland

Page No. 7

2084

Calendar No. 1946

ORDINANCE No. 135908

THE COMMISSIONERS VOTED

Buchnach

AS FOLLOWS

Yeas -

Nays

Title

An Ordinance amending Title 33, Planning and Zoning Regulations of the Code of the City to provide for continuation of Downtown Plan Review, reference to Planning Guidelines adopted by the Council, appeal and hearing procedures, exclusion of existing urban renewal areas, and declaring an emergency.

Goldschmidt

Schwab

McCready

Ivancie

Anderson

Auditor Noting of coming ?

CONTINUED TO JUN 2 8 1973

FOUR-FIFTHS CALENDAR
Anderson
Ivancie
McCready
Schwab
Goldschmidt

Filed JUN 8 1973

Auditor the CITY OF PORTLAND

808361

INTRODUCED BY

MAYOR GOLDSCHMIDT

DRAWN BY

DCJ:at

The second secon

Date June 8,

1973

NOTED BY THE COMMISSIONER

Affairs

Administration 7, 8/1, 9.6

Safety

Utilities

Works

City Attorney

NOTED BY THE CITY AUDITOR

me

APPROVED

Q

Date

City Engineer

By

,

Date

(

Deputy