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PLANNING COMMISSION MINUTES

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PORTLAND CITY PLANNING COMMISSION
AUGUST, 1975 MEETING

AGENDA 406

TUESDAY, AUGUST 5, 1975

MEETING LOCATION:

Downstairs Auditorium
Water Services Building
520 S.W. Montgomery St.

TIME OF MEETING:

12 Noon

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 406
Tuesday, August 5, 1975
Water Services Building
520 S.W. Montgomery St.

12 NOON

WATERFRONT ESPLANADE

1. Hearing on final plan on Downtown Waterfront Park (Esplanade) -- presentation by Wolff Zimmer, staff recommendation.

APPROVAL OF MINUTES

2. Planning Commission Minutes ..... 12 May 1975
11 June 1975
1 July 1975

3. Zoning Committee Minutes ..... 24 June 1975
8 July 1975

COUNCIL ACTIONS

4. City Council actions on Planning Commission matters.

ITEMS FOR ACTION

5. DPR 41/CU 57-75, Car Wash; Harold Schnitzer, applicant, SW Clay Street between SW 11th and 12th Avenues.

6. DPR 44, Two-story Retail Facility and Sublevel Parking; Farwest Savings and Loan, applicant, SW 4th Avenue between Stark and Washington Street.

7. CU 53-75, Planned Unit Development; Multnomah County and Ralph and Louise Cardinal, applicants, north side of SW Multnomah Blvd. near SW 53rd Avenue.

8. 6445, Zone change request from R5 to A2.5 petitioned for by Wirthmore Homes for property at 1124 SW 57th (referred from Zoning Committee); and Normandale Study.

9. V 17-75, Vacation of a portion of an un-named right-of-way (public pedestrian easement) in Block 13, Indian Hills, petitioned for by Emil Hirning.

10. Code Amendment and Code Interpretation Regarding Home Occupations.

PORTLAND CITY PLANNING COMMISSION
Minutes of Meeting
May 12, 1975

Present: Gustafson, Minden, Roso, Shannon, Wessinger
Staff: Bonner, Cannady

The meeting was called to order at 7:35 p.m. in Room 200, City Hall Annex, by Vice-Chairperson Gustafson for the purpose of policy area discussion in the NW District Central Area, Hills and Westside and Thurman/Vaughn areas.

The meeting was opened with a statement and map discussion by Mr. Bonner regarding specific areas to be discussed.

I. Central Area

For Policy Area 5 Ms. Roso suggested a wording change, "hospital additions and alterations" to "medical facilities." She thought the present wording would tie the whole area to one administration and that there was need for a more general statement.

Ms. Gustafson asked are we limiting anyone who wishes to develop a medical facility to buying property from the two existing hospitals? Is this area so bought up already that it is creating a monopoly?

Mr. Bonner said there is at least 2/3 of a block between 21st and 22nd and at least 2/3 of a block between 22nd and 23rd which is not hospital-owned so we're not talking about a situation where Good Samaritan is taking over the area.

Ms. Roso questioned the meaning of the word "predominantly" in paragraph 3. Mr. Minden said that at least 50% would be "predominantly residential."

Mr. Shannon asked what difference does it make if it is a majority or less than a majority? Why do you need such a firm rule? Aren't we just trying to preserve the property so there isn't a conversion backwards? What difference does it make what percent is residential and what percent isn't?

Mr. Bonner referred to NWDA recommendations and cited their Policy Area 3 recommendations "a. maintain and encourage high density residential uses" and "c. Permit new construction under conditional use procedures provided that the proposed development is predominantly of residential uses."

Ms. Gustafson asked what is the difference on what to do between new and existing construction?

Mr. Bonner said when it comes to a choice, do you lose the existing structure as a residential structure or do you maintain that structure as residential in character? Think about saving the structure itself and how it fits into the area.

Mr. Minden said he feels it will police itself.

Ms. Roso was concerned with floor space allotted to residential use and cited buildings where area on the 2nd floor is used as residences but is smaller than that used commercially on the bottom floor.

Mr. Bonner said if you are questioning how much residential you need, possibly you should change the wording from "predominately" to something else.

Ms. Roso suggested using "substantially" in place of "predominately".

Mr. Mike stoops, Assistant Administrator, Good Samaritan Hospital, said the Hospital is in agreement with the position the NWDA has taken with regard to Policy Area 3 and with the addition of a portion of Policy Area 3 to Policy Area 5. He also said that Policy Area 4 is a mixed use high density residential area and "medical facilities" would be an appropriate change in Policy Area 4 as well as in Policy Area 5.

Ms. Gustafson recommended going through Policy Area by Policy Area making changes, etc. as recommended.

Ms. Roso recommended adoption of the staff recommendation on Policy Area 3 with one amendment: to change the word "predominately" in the 5th line to "substantially" but to keep it in the last line as it refers to new construction.

Shannon suggested "partially" instead of "substantially." He said substantial still means a big chunk.

ACTION: Ms. Roso moved and Mr. Wessinger seconded adoption of Policy Area 3 policy as the staff recommended except that in the 5th line "predominately" be changed to "substantially" and that Policy Area 3 mapping be reduced by 2 blocks between 21st and 23rd, Lovejoy and Kearney. Motion carried unanimously.

ACTION: Ms. Roso moved and Mr. Wessinger seconded adoption of Policy Area 4 policy to read "Maintain and encourage high-density residential uses. Plan medical facilities for compatibility with surrounding uses" and reduction of Policy Area 4 by a portion of a half block pointed out by staff which area will be shifted to Policy Area 2B. Motion carried unanimously.

ACTION: Ms. Roso moved and Mr. Wessinger seconded adoption of Policy Area 5 policy to read "Plan medical facility additions and alterations for compatibility with surrounding uses." Motion carried unanimously.

Mr. Wessinger questioned the recommendation for change in Policy Area 6 policy and asked exactly what was meant by it.

Mr. Edgar Storms of the NWDA suggested, regarding Policy Area 6, that the Planning Commission adopt essentially its own recommendation as it was adopted before except for some minor word changes. NWDA wants the new policy to read as follows:

"Emphasize development of pedestrian-oriented shopping on central portions of 21st and 23rd, north of NW Glisan Street with such shopping to serve...."

Mr. Storms said the point they were trying to make is that Glisan and Everett are a couplet, Glisan being a 1-way street going west and Everett a 1-way street going east. We contend that the commercial areas on 21st and 23rd between Glisan and Burnside might be more appropriate to car access and the area to the north of Glisan be pedestrian-oriented.

Mr. Bonner showed on the map a small area extending west from 21st toward 22nd which would also be put into Policy Area 7.

ACTION: Ms. Roso moved and Mr. Minden seconded adoption of Policy Area 6 policy as recommended by the staff and of adding to Policy Area 6 the area extending one block south of NW Glisan on 21st. Motion carried unanimously.

In discussing Policy Areas 7 and 8 it was suggested that the policies should differentiate between pedestrian-oriented commercial uses north of Glisan and auto-access-oriented commercial uses to the south of Glisan.

ACTION: Mr. Minden moved and Mr. Wessinger seconded adoption of Policy Area 7 as recommended by the staff with change in the Policy Area map commensurate with the change in Policy Area 6. Motion carried unanimously.

ACTION: Wessinger moved and Minden seconded adoption of Policy Area 8 policy as the staff recommended. Motion carried unanimously.

II. Hills and Westside

Mr. Bonner made a presentation on the background of the area and went over the findings. He said Policy Area 9 is now an A0 zoned area and the recommended policy of medium-density residential envisions rezoning to A1. Policy Area 11 is now A1 zoned area and the recommended policy of low- to medium-density residential envisions rezoning to A2.5.

He said in the entire Hills and Westside area there is now only 1 block developed zone A0 density, i.e. apartments located north of Chapman School. A half block on the north side of Marshall between 25th and 26th should be put into Policy Area 10 instead of Policy Area 12. It is medium-density apartment area.

Mr. Edgar Waehrer of the NWDA said they agree completely with the findings and are not disagreeing with the policies but they need refining. As to Policy Area 9 we agree as it is written. For Policy Area 10 we recommend that it be broken into 2 subareas, 10a - south of Lovejoy and 10b - north of Lovejoy. He referred to the staff's findings, page 2, second to last paragraph. He said the language they are suggesting is for the area south of Lovejoy to be "maintained medium-density residential west of 23rd." As to the staff's reasons for recommendation, he read from the NWDA statement saying he would amend the last sentence to read:

> "The policy recommendation encourages the development of the old St. Vincents Hospital... site at a medium density compatible with zoning and good planning practices."

As to 10b north of Lovejoy he proposed policy and reasons directly from the NWDA statement. As to Policy Area 11 reasons for recommendation Mr. Waehrer proposed adding "With adoption of this policy action will be initiated to rezone this area to A2.5 density."

Mr. Minden asked why not enlarge Policy Area 9 to include the part of Policy Area 10 south of Lovejoy?

Mr. Waehrer said they could not be combined because of differences in zoning of Policy Areas 9 and 10. We want to accomplish the same thing in both areas, i.e., medium-density residential areas zoned A1.

ACTION: Mr. Minden moved and Mr. Shannon seconded adoption of the findings for the Hills and Westside Area as laid out by the staff. Motion carried unanimously.

ACTION: Mr. Minden moved and Mr. Roso seconded adoption of the policy for Policy Area 9 as given in the staff report. Motion carried unanimously.

ACTION: Mr. Wessinger moved and Mr. Minden seconded adoption of the policy for Policy Area 10 as given in the staff report and with the addition on the map for Policy Area 10 of the half block on Marshall between 25th and 26th. Motion carried unanimously.

ACTION: Mr. Minden moved and Mr. Wessinger seconded adoption of the policy for Policy Area 11 as given in the staff report. Motion carried unanimously.

ACTION: Mr. Wessinger moved and Mr. Shannon seconded adoption of the policy for Policy Area 12 as given in the staff report including reduction of Policy Area 12 by the half block on Marshall between 25th and 26th. Motion carried unanimously.

III. Thurman/Vaughn

Mr. Bonner recommended a different policy for Policy Area 14 than that found in the book and suggested avoiding Policy Area 14 for the time being until joint study can take place with the City and State and the neighborhood groups.

Mr. Charles Landskroner, President of the NW Industrial Neighborhood Association (NINA) commented with respect to:

1. the findings in the report,
2. the concern of residents and businessmen of the Thurman/Vaughn corridor, and
3. possible solution,

looking toward development of a joint plan by the NWDA and his group for the area between 23rd and 27th and between Thurman and Vaughn.

Mr. Landskroner recommended avoiding Policy Area 14 for the time being; he had no more objection to Policy Areas 13 and 15. He said more information is necessary.

Mr. Minden asked what kinds of things can be done on this land as far as both housing and industry?

Mr. Landskroner said the area is right for planning and right for a mixture of uses -- commercial and high density residential -- but if the high density residential is to be for low-income people the public will have to do it and not the private sector. He said he would accept revised Policy Area 14 policy as recommended.

Ms. Gustafson asked Mr. Landskroner if he had specific comments on findings in addition to wanting more? He said he would rather not comment on the present findings. He said the findings are subject to misinterpretations and he doesn't believe there is clarity in these findings. He would like an opportunity for his group not to be prejudiced in the findings they develop for the joint effort -- they will be different from findings at this time.

Mr. Bonner said this is not an urban renewal area. It will require substantial private investment. There is not enough public money available.

Mr. Marvin Witt, President, NWDA, said he wished to commend the staff people that worked so hard in this area. There is good opportunity for good things to happen in the Thurman/Vaughn corridor. We are in total accordance with the material presented.

Ms. Gustafson asked if the findings are in fact prejudicial? Mr. Bonner said "no", we tried to keep them as factual as we possible could.

Ms. Roso questioned the last finding on page 2 and asked is this prejudicial? Should we include this in our findings?

Mr. Minden asked if $286,000 is the public money available? Mr. Bonner said $286,000 is virtually no public money.

Mr. Minden commented that the findings could have been more optimistic -- that the area has more than this to offer -- but he has no findings to suggest be added.

ACTION: Ms. Roso moved and Mr. Minden seconded approval of the findings with the last paragraph deleted. Motion carried unanimously.

ACTION: Mr. Wessinger moved and Ms. Roso seconded adoption of the Policy Area 13 policy as recommended by the staff. Motion carried unanimously.

ACTION: Mr. Wessinger moved and Mr. Minden seconded adoption of Policy Area 14 policy as recommended by staff on the errata sheet with the parenthetical statement that [the Planning Commission has the implicit understanding that we will have a planning process in this particular area, that this is a unique area as opposed to other areas, and that we are considering it on that basis.] Motion carried unanimously.

ACTION: Mr. Wessinger moved and Mr. Shannon seconded adoption of Policy Area 15 policy as recommended by the staff. Motion carried unanimously.

ACTION: The Policy Area 16 policy area was deleted by the Commission as recommended by staff.

Mr. Bonner recommended deferral of the Trafficways Plan pending completion of the Arterial Streets Program.

There being no further business, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:bn

PORTLAND CITY PLANNING COMMISSION
Minutes of Meeting
June 11, 1975

A meeting of the Portland City Planning Commission was held June 11, 1975, 7:30 p.m. in the Water Service Building regarding Downtown Development Regulations.

Present: City Planning Commission - Sheldon, Gustafson, Barnett, Minden, Rose', Roso, Shannon and Wessinger

Bureau of Planning - Bonner, Cannady, O'Hiser and Harrison; recording secretary - Bissonette

Main Discussion of Meeting

This meeting was a continuation of review of the Proposed Downtown Portland Regulations. The specific items before the Commission at this meeting were the Staff Proposal regarding nonconforming uses in the Downtown and two memorandums from the City Planning Commission staff regarding Location of Housing in Downtown and Economic Feasibility of New Housing Construction Downtown.

There was considerable discussion regarding the Staff Proposal on nonconforming uses in Downtown, especially Section 33.94.030 relative to nonconforming uses in C2, C1, M3, M2, M1 and the proposed AX zones providing that a nonconforming use in such zones may be expanded in floor area up to 20% beyond the amount existing at the time the use was made nonconforming and which section allows expansion or an aggregate of expansions exceeding 20% only if the Variance Committee so grants such an expansion. The City Planning Commission felt that any expansion should be reviewed and a motion was made to that effect. (See Action below.)

The memorandum regarding Location of Housing in Downtown was also discussed at length and a deletion and addition to the recommendations by the staff were made (See Action below). There was discussion of the Waterfront area as a use for housing and Mrs. Gustafson brought up the point that the area would be isolated and that noise from the Marquam Bridge would also be a deterrent to any housing use.

There was then discussion of the area between SW 10th and 11th and between SW Morrison and Alder as being

an area which should be included in the AX zone. Several points were made from the public attending the hearing that this would be a good addition to the AX area and the City Planning Commission recommended that the area be included.

Action of the City Planning Commission

MOTION: Mr. Wessinger moved that the Staff Proposal regarding the rebuilding of nonconforming uses damaged by fire or other cause in AX zones be adopted.

Mr. Minden seconded the motion.

ACTION: Mr. Wesisnger moved that the motion be amended regarding Expansion of Nonconforming Uses, Section 33.94.030, to omit the 20% limitation and to amend the code to state that any expansion would have to be granted by the Variance Committee.

Mr. Shannon seconded the amendment to the motion.

The roll was then called on the amendment to the main motion:

Ayes: Sheldon, Barnett, Minden, Rose', Roso, Shannon and Wessinger

Nays: None

Mrs. Gustafson was absent at the time the roll call was taken.

Motion carried unanimously.

ACTION: The roll was then called on the amended motion: That the Staff Proposal regarding the rebuilding of non-conforming uses damaged by fire or other cause in AX zones be adopted with the deletion of the 20% limitation in Section 33.94.030 and that any expansion would have to be granted by the Variance Committee:

Ayes: Sheldon, Barnett, Minden, Rose', Roso, Shannon and Wessinger

Nays: None

Mrs. Gustafson was absent at the time the roll call was taken.

Motion carried unanimously.

MOTION: Mrs. Roso moved that the Staff Memorandum of June 11 regarding Location of Housing in Downtown be adopted with the amendment that the area between SW Morrison and Alder and between SW 10th and 11th be included.

The motion died for lack of a second.

MOTION: Mr. Rose' moved that the Staff Memorandum of June 11 regarding Location of Housing in Downtown be adopted as presented.

Mrs. Roso seconded the motion.

ACTION: Mr. Shannon moved to amend the motion by deleting the staff recommendation that the area south of Montgomery Street, west of the Willamette, east of the Southern Pacific right-of-way, and north of the Marquam Bridge be included.

Mr. Rose' seconded the motion.

The roll was then called on the amendment to the main motion:

Ayes: Gustafson, Barnett, Minden, Rose' and Shannon

Nays: Sheldon and Roso

Mr. Wessinger was absent at the time the roll call was taken.

Motion carried.

ACTION: Mrs. Roso moved to amend the amended motion to include the area between SW Morrison and Alder and between SW 10th and 11th.

Mr. Shannon seconded the motion.

The roll was then called on the amendment to the main motion:

Ayes: Sheldon, Gustafson, Barnett, Minden, Rose', Roso and Shannon

Nays: None

Mr. Wessinger was absent at the time the roll call was taken.

Motion carried unanimously.

ACTION: The roll was then called on the motion: That the City Planning Commission accept the City Planning Commission staff recommendations for Location of Housing in Downtown with the inclusion of the area located between SW Morrison and Alder and between SW 10th and 11th and with the deletion of the area south of Montgomery Street, west of the Willamette, east of the Southern Pacific right-of-way, and north of the Marquam Bridge.

Ayes: Sheldon, Gustafson, Barnett, Minden, Rose', Roso and Shannon

Nays: None

Mr. Wessinger was absent at the time the roll was taken.

Motion carried unanimously.

There being no further business the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

DDC:eb

Portland City Planning Commission
Minutes of Meeting
1 July 1975

The regular meeting of the Portland City Planning Commission was held 1 July 1975 in Room 200 of the City Hall Annex.

Present: Planning Commission: Sheldon, Gustafson, Minden, Rose', Roso, Sheldon, Wessinger
Staff: Bonner, Vail, Frost, O'Hiser, Mazziotti, Wilde, Lyons, Nelson

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DIRECTOR'S REPORT

Joint discussion with Residential Care Facilities Board.

Briefing on status of Marquam Hill Study; set date for hearing.

Capital Improvement Program

ITEMS FOR ACTION

File CU 43-75, Expansion of convalescent home; Holladay Park Plaza, applicant; NE 16th Avenue between NE Clackamas and Wasco Streets.

File CU 29-75, Landfill; Zusman and Jaffee, applicants; SW Multnomah Blvd. between SW 22nd and 23rd Avenues.

File DPR 41, Car wash; Harold Schnitzer, applicant; SW Clay Street between SW 11th and 12th Avenues.

File DPR 42, 114 parking spaces in Rhodes Building; Bill Naito, applicant; between SW Morrison and Alder Streets and SW 9th and 10th Avenues.

File DPR 43, Extension of time for 100-space parking lot; Evans Products Co., applicant; between SW 4th and 5th Avenues and SW Market and Clay Streets.

Zoning Code amendments regarding transitional use.

Zoning Code amendments regarding permitted development on undersized platted lots.

Joint discussion with recently appointed Residential Care Facilities Board

Peter Engbertsen, Residential Care Facilities Coordinator, stated that they are in the process of putting together licensing standards and hope to be ready for their first licensing meeting by September 23rd. The definition of Residential Care Facilities is not the same in the creating ordinance as it is in Title 33. Title 33 limits occupancy to 15 persons and the ordinance does not. He stated that there will be a monitoring system to assure compliance with regulations.

Mrs. Gustafson asked that the Board keep the Planning Commission informed in writing with regard to the number of persons that will be allowed in each facility.

Briefing on status of Marquam Hill study; set date for hearing

Mike Lyons, Bureau of Planning staff, gave a presentation of the status of the Marquam Hill Study. There was disagreement between the neighborhood groups as to when to set the date for a public hearing. Mr. Sheldon asked that the groups get together and work out a mutually agreeable date.

Mrs. Crookham, 3565 SW Council Crest Drive, 97201, stated that the Friends of Marquam Nature Park would like to propose that 230 acres in the Marquam ravine remain in their natural state. Mr. Sheldon suggested she contact the other two neighborhood groups (Homestead and SW Hills Residential League) and that they discuss this at the same time they hold the public hearing. He stated that she should be ready to address this question on open space legally at that time.

Capital Improvement Program

Don Mazziotti, Bureau of Planning staff, stated that the Planning Commission will be involved in the review of the City's Capital Improvement Program and proposed a time schedule for their review.

Mr. Wessinger questioned whether the Commission should be involved in this process. They decided to review this again at the end of the meeting.

MINUTES

Planning Commission.....May 12, 1975

Mrs. Roso noted that on the action on page 2 it should say Motion Carried. On page 4 of 7, Section II, should that be A2.5 or R5?

June 3, 1975

Mrs. Roso stated that on page 7 of 9 Motion Carried Unanimously should read Motion Carried.

Approved as amended

Zoning Committee.....13 May 1975....Approved
27 May 1975....Approved
10 June 1975....Approved

Mrs. Roso asked that minutes not be sent to the Commission separately from the agendas.

COUNCIL ACTIONS

Mr. Vail reviewed the Council actions.

CU 43-75, Expansion of convalescent home; Holladay Park Plaza, applicant; NE 16th Avenue between NE Clackamas and Wasco Streets

Mr. Spencer Vail stated that this is a request to create a nursing home contained within that complex which would be an addition to the existing building to the east over the existing ramps to the underground parking.

Ernest Vetter was present representing the applicant. His statement is attached (Exhibit A).

Mrs. Arlene Brown, spokesperson for the residents of the Holladay Park Plaza, encouraged the Planning Commission's approval of this request.

Mr. Vail stated that the staff has received 26 letters from residents of the Plaza urging the Commission's approval of this request. There were no adverse comments from any of the City bureaus.

Mr. Vail presented the following findings and recommendations:

Findings: On August 13, 1963, the Planning Commission approved the nursing home facility for the second floor of the retirement home (P.C. File CU 46-63). At that time the applicant proposed a 16-bed nursing home, with 240 dwelling units on the upper floors.

On November 19, 1963, the Variance Committee denied a request to increase the gross floor area from the permitted 190,000 sq. ft. to approximately 219,840 sq. ft. in order to construct a 15-story retirement home. Subsequently the floor area ratio section of the Zoning Code was amended to allow greater floor areas within A0, and the Planning Commission recommended that the Council approve a 2.8% (5,350 sq. ft.) increase in the floor area limitation for this particular structure.

The applicant's plan indicates 17 existing beds and 18 proposed beds for a 35 bed total. This would reclassify the home to a large facility, which would require a loading berth. Off-street parking is required at the ratio of one space per five beds, or 7 off-street parking spaces in addition to those required for the residential use. The applicant's plan indicates that the addition would extend to the property line of NE 17th and would require a variance from the required front yard of 10 ft. to zero ft. for the addition over the basement parking ramps.

To the west is Lloyd Center; to the north and east are residential uses. To the south are dwellings, a high-rise apartment, a Lloyd Center parking lot, and the Banfield Freeway.

Recommendation: Denial. There is no justification for the additional structure encroaching on the front yard of NE 17th. Also, the maximum floor area has been exceeded already at the maximum 6:1 ratio.

Mr. Sheldon stated that if the Commission approves this request they will run a legal risk of being taken to court by any of the neighboring property owners because the applicant has shown no justification for the proposed addition encroaching on the front yard. He and Mr. Rose' felt there were other options available to the applicant.

ACTION: Mrs. Gustafson moved that the Planning Commission adopt the staff report as presented. Seconded. Motion carried unanimously.

CU 29-75, Landfill; Zusman and Jaffee, applicants; SW Multnomah Blvd. between SW 22nd and 23rd Avenues

Mr. Vail presented slides of the area. He stated that the applicant would eventually like to put in a parking lot but until that time the lot will be left as it is at the present. The applicant does not intend to bring in any more fill.

Mr. Vail received the following letters as a result of notification: City Engineer -- the fill should not intrude into the natural waterway. Office of Neighborhood Environment was concerned about the noise from the trucks. No other objections.

Mr. Vail presented the staff findings:

Findings: Fills over 1,000 cubic yards are regulated by Conditional Use in a C2 zone. The applicant states that the maximum depth of fill will be 19.7 ft. and that the average depth of fill will be 13.5 ft.

To the north are SW Multnomah with a paved strip and the Bell Telephone site (formerly Stockman Trailer Court). To the east are a dwelling on the eastern portion of the site, partially improved SW 22nd, and the commercial strip along SW Barbur Boulevard. To the south are several dwellings zoned C2 and R7. To the west is the new medical building between SW 23rd and SW 24th Avenues.

On August 22, 1972, the Planning Commission considered P.C. File 6125, a zone change request from R7 to C2 for this fill site. The applicant's proposal was for parking and a possible future commercial building. The parking lot plan submitted at that time showed two entrances to Multnomah, one to SW 22nd Avenue and none to SW 23rd Avenue. The City Council adopted the Planning Commission recommendation of C2 zoning and passed Ordinance 135598 with the following conditions:

1. No access be allowed to SW Multnomah Boulevard.

2. The applicants not object to any future street improvements on SW 23rd Avenue.

3. All screening requirements of Section 33.82.030 are met plus additional screening along SW Multnomah Boulevard to be approved by the Staff of the Planning Commission.

MOTION: Mr. Rose' moved approval with the following conditions: (1) that the toe of the fill be no closer than 20 ft. from the west property line; (2) that the entire site including the backslope be planted with vegetation; (3) that there be no further dumping; (4) that there be no parking on the site until improved according to City Code; (5) that the site be fenced to preclude any illegal parking in a manner approved by the Staff of the Planning Commission; (6) that there be no access to or from the site onto SW Multnomah Blvd.; and (7) that the applicant agree not to remonstrate on any future street improvements on SW 23rd. Seconded by Mrs. Roso.

ACTION: Ayes: Gustafson, Minden, Rose', Roso, Sheldon, Wessinger
Abstention: Barnett

Mr. Sheldon said that inasmuch as the Commission voted against the staff findings and recommendations they should state their reasons:

Gustafson: Feel that with the motion completed the site will be an asset to the neighborhood.

Minden: The owner showed good faith in going to a lot of trouble and fill was started before he got it and I don't think we should penalize him.

Rose': Reasons are stated in the motion with the addition of the two previous members. Fill started prior to enactment of regulations which governed fills as being Planning Commission requirement. Original fill should be allowed to continue on the same basis.

Roso: Feel it will enhance visual assets of Multnomah Blvd.

Wessinger: Feel it will upgrade Multnomah Blvd.

Sheldon: Record indicates applicant made initial contact with City in 1973. There had been previous filling on site and lack of clarity in the justification of the over fills. Applicant showed good faith. There will probably be a net benefit to the neighborhood visually.

DPR 41, Car wash; Harold Schnitzer, applicant; SW Clay Street between SW 11th and 12th Avenues

Mr. Rodney O'Hiser, staff representative, stated that the City Council has extended the Downtown Plan Review ordinance and the Parking and Circulation Policy is now included as a frame of reference when evaluating downtown development. Under the new ordinance those matters which formerly were reviewed by the Planning Director will now go directly to the Planning Commission. Slides were presented of the area.

Mr. Harold Schnitzer, 811 NW 19th, applicant, presented an historical background of his previous development proposals for the site, zone changes granted by City Council and rationale for the current interim development proposal. He further stated that his appearance is one that is directed towards design -- not the legality of a land use. He presented the attached statement (Exhibit B).

Mrs. Gustafson felt it a waste of time to hear this matter if the argument is whether or not the Downtown Plan applies to anything other than design review.

MOTION: Mr. Wessinger moved that the Planning Commission table this matter pending legal clarification until the regular Planning Commission meeting in August. Seconded by Mrs. Gustafson.

Mrs. Gustafson asked that renotification go out on this matter.

ACTION: Motion carried unanimously.

DPR 42, 114 parking spaces in Rhodes Building; Bill Naito, applicant; between SW Morrison and Alder Streets and SW 9th and 10th Avenues

Mr. Sheldon and Mr. Rose' declared conflict of interests and left the room at this time.

Mr. O'Hiser stated that the applicant wishes to develop parking in the lower portion of the Rhodes Building.

Mr. Charles Colburn, 123 NW 2nd Avenue, representing Mr. Naito, stated that they will have two floors of offices, two or three will be retail space, and they have the option of some small shops or stores in the basement (no interest has been expressed for the lease of this space at the present so it is being used as storage). He stated that they would like 46 spaces of self parking or 114 attendant parking. Fifty percent will be short-term and 50 percent will be long-term.

Mr. O'Hiser presented the staff findings and stated that the staff recommends approval.

FINDINGS

Land Use.

While the DPR ordinance does not require an evaluation of the proposed re-uses and arrangement of uses other than parking, the following comments are made because the appropriateness of adding parking to the downtown supply can be better judged if there is full understanding of the total development being proposed.

1. The planned retail use of the part of the basement, and the first, second and possibly third floor, fully accords with adopted goals and guidelines for downtown retail development.

2. The office use of the top two floors is in keeping with adopted Office Goals to strengthen Downtown's role as an important center for personal and professional business services.

3. The proposal to rehabilitate the former Rhodes department store would fullfill Downtown Plan objectives to conserve buildings where possible in the downtown area. The proposal is especially important because the planned re-use of this building would provide a strong anchor on the west side of the retail core area.

Parking and Circulation.

The following covers extracts from the adopted Downtown Parking and Circulation Policy and an evaluation of the proposed projects conformance to these policies.

Section B. Limit on Total Number of Parking Spaces

EXTRACT: 1. At the end of any quarter of any year the total number of parking spaces available for use in downtown will not be permitted to exceed 39,683, which has been established by survey as the approximate number of spaces existing plus approved for development by DEQ as of May 29, 1973.

COMMENTS: The proposal would result in an increase of 46 or 114 parking spaces to the current Downtown Portland inventory (depending on whether the facility is for self-parking or attendant parking). These spaces would not exceed the parking lid as the current supply is 508 less than the May 29, 1973 downtown parking inventory .

Section H. Private-Use Parking Structures

EXTRACT: 1. A new parking structure which is proposed as part of a new development or redevelopment, and in which the parking spaces will be only for private use by occupants or visitors of the new development or redevelopment, may be approved, subject to other applicable sections of this policy, provided that the number of parking spaces in the structure does not exceed the number indicated by the following schedule of maximum parking-space ratios.

Maximum Parking-Space Ratios for Parking Spaces in Private-Use Parking Structures

Development Type	Spaces per 1,000 square feet of Gross Floor Area, or per Habitable Unit
Residential	1.00 per Dwelling Unit
Hotel	1.00 per Rentable Unit
Retail	1.00 per 1,000 sq. ft.
Office	1.00 " " " "
Medical	1.50 " " " "
Educational	1.00 " " " "
Cultural/Entertainment	0.25 " " " "
Manufacturing/Wholesale	0.70 " " " "

COMMENTS: The maximum allowable parking standards in the adopted Parking and Circulation Policy would permit 194 private-use spaces to support the proposed office and retail uses considerably more than the planned 46-114 spaces.

Section R. Access to New Parking Facilities

EXTRACT: 2. Access to new parking facilities may be permitted as a conditional use within special "traffic-free" districts described below and as indicated on the accompanying map, Exhibit VI.

Retail Core District between Fourth and Tenth Avenues from Taylor to Stark Street.

COMMENTS: Parking egress and ingress on Alder Street is within an area indicated as a "Traffic Free District". The Parking Policy allows auto access provided that serious auto-pedestrian conflicts do not occur. If Alder Street were to be used at a future date primarily for transit or pedestrians, auto-pedestrian conflicts could be alleviated by a re-design of Alder Street allowing two-way traffic on the street to 10th Avenue, a major traffic access street in the vicinity of the Rhodes building. Therefore, any future pedestrian-vehicle conflicts can be minimized. At present, pedestrian volumes at this locale are not of the intensity to create serious vehicular-pedestrian conflicts.

*NOTE: Examination was made by the staff of alternative access-egress location on SW 10th Avenue. The location of the elevator system on the west side of the building precluded a north-south ramping solution and an excessive use of the ground floor for an east-west ramping system also proved unfeasible. The topography of the land is such to necessitate an Alder-street parking access arrangement.

Design Evaluation

1. While the DPR Process does not cover bulding renovation, the Planning Commission Design Committee could be available on a voluntary basis to review and comment on the following:

   a. sidewalk treatment
   b. signing
   c. street furniture
   d. appropriate landscaping

Conclusion

The project as submitted fulfills many important Downtown goals and guidelines. The parking amount is within all guidelines developed to date. The traffic exiting from the facility can be re-routed at a future date to avoid vehicular-pedestrian conflicts in the heart of the Downtown retail core.

ACTION: Mr. Wessinger moved that the Planning Commission approve the staff report. Seconded by Mrs. Gustafson. Motion carried unanimously.

DPR 43, Extension of time for 100-space parking lot; Evans Products Co., applicant; between SW 4th and 5th Avenues and SW Market and Mill Streets

Mr. O'Hiser stated that this was approved over a year ago, prior to the time of an interim parking policy. The Department of Environmental Quality (DEQ) granted the previous request with several conditions (see letter dated 28 January 1974).

Mr. Robert Jett, Counsel for Evans Products Co., stated that they intend to dispose of the property and would like a revocable permit until the property is sold.

Mr. O'Hiser presented the staff findings and recommended adoption of the proposal with the conditions 1 through 5 as listed in the 28 January 1974 letter.

MOTION: Mr. Minden moved that the Planning Commission approve the staff report as presented. Seconded by Mr. Wessinger.

Mr. Sheldon asked that the applicant file a statement with the County Clerk to record the fact that the revocable permit goes with the property owner and not the property. Mr. Minden and Mr. Wessinger agreed to add this to their motion.

Mr. Jett was concerned about item #1 in the DEQ letter. He asked that it be reworded to state that carpooling has the priority on all spaces in the lot.

Mr. Sheldon asked that a representative from CARPOOL inform Ernie Bonner three months and six months from now what the relative percentage of use is regarding short-term and long-term parking.

Mrs. Gustafson supported this recommended change in wording.

Mr. Minden and Mr. Wessinger accepted the proposed modification in the wording of item #1 of the DEQ letter.

ACTION: Motion carried unanimously.

Zoning Code amendments regarding transitional use

Mr. Frost stated that this was before the Commission two months prior but was tabled pending public notification. He read a letter from the Home Builders Association of Portland -- they favor the continuance of the transitional use zones.

Mr. Harold Jeans, representing the Home Builders Association of Portland, felt there would be a high deterioration of lots if high density uses were not allowed in transitional lots. He suggested that the Planning Commission reconsider their original decision. If they do not, he suggested that existing transitional use lots be grandfathered in.

Mr. Rose' asked if an inventory of transitional use lots had been undertaken. Mr. Frost stated that there are approximately 175-200 vacant lots in the transitional use category. He stated that it will have the effect of downzoning if transitional use designation were removed from existing transitional use property.

Mr. Dave Utzinger, 7231 SE Sherman, opposed the transitional use designation.

Mr. Rose' felt that a density with a better transition was necessary. Going from A1 to A2.5 is quite a jump.

Mr. Sheldon supported abandoning the transitional zone. He suggested that persons who own property zoned a transitional use come before the Planning Commission for a zone change and some consideration will be given to that former transitional use.

Mr. Vail said that perhaps the staff could investigate handling these transitional use areas as conditional uses.

Mr. Rose' said he would like to have that pursued. He asked that this be tabled with a directive to the staff to draw up language on treating transitional uses as conditional uses.

Mr. Sheldon said he would like an explanation of a distinction between vacant and developed property. If it is vacant before a certain date fine, transitional zoning could apply, but can't be torn down in order to change its use.

This matter will be brought before the Planning Commission again at the regular meeting in September.

<u>Zoning Code amendments regarding permitted development on undersized platted lots</u>

Mr. Frost presented the proposed amendments. After much discussion the following motions were made.

ACTION: Mrs. Roso moved that the Planning Commission approve Chapter 33.98.010 as presented by the staff. Seconded. Motion carried unanimously.

ACTION: Mrs. Gustafson moved that the staff research Chapter 33.98.015 more thoroughly to see what the legal bounds are and return the matter to the Planning Commission at the September regular meeting. Seconded. Motion carried unanimously.

* * *

Mr. Vail distributed a packet of materials from School District 1 regarding the plans for Area 1. Commission members were asked to read the materials and determine whether or not they would like to have a meeting with Area 1 representatives.

Mr. Sheldon proposed that Mrs. Gustafson, himself and Mr. Bonner meet with the Mayor within the next two weeks to discuss a couple of issues, one relating to what appears to be a real problem regarding scheduling. He suggested they make it clear to the Mayor that because of the schedule and the incrase in load brought about by the capital improvements work program that they suggest (1) immediate priority on hiring of the Hearings Officer -- hopefully to be implemented by September, (2) ask for top priority in filling future vacancies on the Planning Commission -- suggest a reservoir of two potential candidates ready to go at all times.

At the next Planning Commission meeting they will present their findings and decide whether they want to have a subcommittee format.

Mrs. Roso suggested that if anyone has any suggestions for future Planning Commission members to submit them to Mr. Sheldon or Mrs. Gustafson.

There being no further business, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

ERB:bn

Exhibit A

PRESENTATION BEFORE PORTLAND CITY PLANNING COMMISSION

Ernest W. Vetter, Administrator
Holladay Park Plaza

1. Thanks to Mr. Spencer Vail for meeting with us and interpreting to us the basis for his negative recommendation.

2. It is our understanding that the recommendation for approval would require exemption from the code on two points:

   a. One is elimination of the set back on 17th Avenue to allow construction to the property line.
   b. The other is to allow an additional 4500 sq. ft. of floor space in excess of the 5½ to 1 ratio.

3. It is also our understanding that it is not necessary to "prove" the need for 12 additional beds in our Health Care Facility. Nevertheless, I would like to point out that Mrs. Arline Brown, President of our Residents' Association, is here to speak on behalf of our 240 residents.

4. In my presentation I intend to show that alternate plans to satisfy the existing need have been considered and discarded for a variety of reason.

Plan #1

Our original plan was to build or have built on property owned by Holladay Park Plaza a nursing facility, part of which would be available for use by HPP. I envisioned a bridge spanning 17th Avenue which would connect our nursing facility to the new unit. Eighteen months ago, the Chairman of the Board of The Careage Corporation, creators of health care facilities, visited our site. Interest was expressed, we were encouraged, but nothing happened.

A year ago last May we contacted Cumbo, Killen & Monson, health care facility builders. They expressed interest also. Nothing happened.

An opportunity to enlarge our site was provided by the sale of the Francis House. This property was purchased to provide a lot 100'x200'. Both prospective builders failed to produce a viable plan for various reasons.

Plans #2 and #3

Our second plan was to add to the existing facility. (During 1974 the nursing facility was increased from 24 to 33 beds by incorporating two guest apartments.) Further expansion would require new construction. First consideration was given to the area over our main lounge and dining room. Arrangements were made for Mr. Wilkinson, one of the original architects of

the building, to make a feasibility study. His report advised against such a plan due to inadequate weight-bearing supports. Instead, he recommended two alternatives:

a. A simple elongation of existing rooms making doubles into three-bed wards.

b. A west side addition extending over present parking area.

why? Both plans were rejected by our Board and a third plan was requested providing for expansion on the east side of the building.

Plans #4 and #5

A third plan was submitted by the architect providing for 12 beds on the east side. This was increased to 18 beds to allow for the loss of 6 beds due to new corridors and other space requirements. We believe that this plan meets present and future needs of residents of Holladay Park Plaza.

We believe the exceptions are justified in terms of elimination of hardships endured by our residents if this addition is not allowed.

I am prepared, based on our experience, to speak to the problem of obtaining similar services for our residents in other facilities.

Thank you for considering our request.

Do they take anyone in from other facilities?

240

33 beds for

12

$\frac{55}{240} = \frac{11}{48} = \frac{1}{}$

$48 \overline{)11.0}$ = .23

96

140

Exhibit B

JULY 1, 1975

LADIES AND GENTLEMEN OF THE PLANNING COMMISSION:

I AM HAROLD SCHNITZER, THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF DOWNTOWN PLAN REVIEW #41.

AT 3 O'CLOCK YESTERDAY, I RECEIVED A COPY OF THE PLANNING COMMISSION'S STAFF REPORT ON THIS SUBJECT. I WOULD LIKE TO REPLY TO A FEW MATTERS CONTAINED IN THAT REPORT.

AUTO TRAFFIC

WITH RESPECT TO AUTO TRAFFIC, 12TH STREET IS AN OFF-RAMP FROM THE STADIUM FREEWAY AND CLAY STREET IS AN OFF-RAMP FROM HARBOR DRIVE, LEADING TO THE TUNNEL. BOTH STREETS CARRY A VERY HEAVY FLOW OF TRAFFIC, AND DEFINITELY WOULD NOT BECOME PEDESTRIAN ORIENTED STREETS.

THERE WOULD BE NO INCREASE IN AUTO TRAFFIC ON EITHER 12TH STREET OR CLAY STREET IN ORDER TO SUPPORT THIS PROJECT, INASMUCH AS THE PRESENT HEAVY VOLUME OF AUTOS WOULD EASILY SUPPORT THE PROPOSED BUSINESS.

COMPATIBILITY WITH EXISTING DEVELOPMENT

A STATEMENT IS MADE IN THE REPORT ABOUT APARTMENTS LOOKING DOWN ON THIS SITE. THERE ARE NO APARTMENTS LOOKING DOWN ON THIS PROPERTY IN THE IMMEDIATE VICINITY, OTHER THAN A SMALL, OLD BRICK APARTMENT LOCATED ON THE SOUTHWEST CORNER OF 11TH AND CLAY, THE CLAY POOL APARTMENTS.

NOISE

WITH RESPECT TO NOISE, THE OPERATION WILL BE TOTALLY HOUSED IN A BUILDING, AND I AM ASSURED BY HANNA ENTERPRISES, THAT THERE WOULD BE NO NOISE EMANATING FROM THE BUILDING.

TRANSITIONAL USES

THE STAFF REPORT STATES, WITH RESPECT TO TRANSITIONAL USE, ON PAGE 9, "A CAR WASH WITH GASOLINE SALES FACILITIES WOULD MEET THE LOW CAPITAL EXPENDITURE CRITERIA, ADDITIONALLY ALLOWING AMPLE SITE AREA FOR THE INTRODUCTION OF PEDESTRIAN ORIENTED FACILITIES".

ON PAGE 10 OF THIS REPORT, EXPERIMENTAL: "THE PROPOSED USE IS A STRUCTURALLY LOW INTENSITY USE, WITH AMPLE ROOM FOR DESIGN, LATITUDE AND BUFFERS, SCREENING, QUALITY OF FORM, MATERIALS, TEXTURES, AND COLORS, ETC."

THIS PROJECT BEST MEETS THE INTERIM NEEDS FOR DEVELOPMENT ON THIS SITE.

LEGAL USES UNDER C-2

I BELIEVE THAT I HAVE A LEGAL RIGHT, UNDER C-2 ZONING, TO BUILD A SERVICE STATION AND A CAR WASH ON THIS SITE. BY SPECIAL CITY ORDINANCE No. 121897, ADOPTED FEBRUARY 9, 1966, THIS PROPERTY WAS SPECIFICALLY GIVEN PERMISSION FOR CONSTRUCTION OF A SERVICE STATION, AS WELL AS OTHER COMMERCIAL USES.

I HAVE RECEIVED NO NOTICE THAT MY C-2 ZONING WAS "ABROGATED", AS NOTED BY THE PLANNING STAFF. WEBSTER DEFINES "ABROGATE" AS:

1. TO REPEAL
2. TO CANCEL, OR REPEAL BY AUTHORITY
3. ANNUL

IT APPEARS THAT THE DOWNTOWN REVIEW ORDINANCE APPARENTLY NOW CANCELS THE PERMITTED ZONING USES ALLOWED UNDER C-2 ZONING. I HOPE THAT THE LEGALITY OF THAT ACTION NEED NOT BE TESTED.

NEW HOUSING

WITH RESPECT TO NEW HOUSING, WHICH THE STAFF WOULD WELCOME ON THIS PROJECT, I DID APPLY 2 1/2 YEARS AGO FOR DEVELOPMENT OF A MEDIUM-INCOME, HIGH RISE APARTMENT PROPERTY CONSISTING OF A 175-UNIT APARTMENT BUILDING, ON THIS SITE. I MET WITH CONSIDERABLE RESISTANCE FROM THE PLANNING STAFF AT THAT TIME, BASED ON PARKING AND FLOOR TO GROUND RATIO. WHEN THIS MATTER WAS APPEALED TO THE CITY COUNCIL, I WAS ENCOURAGED AT THAT LEVEL WITH THE PROPOSED PROGRAM. HOWEVER, MAYOR GOLDSCHMIDT ASKED THAT I WAIT FOR THE "DOWNTOWN PLAN" TO BECOME ADOPTED. HE SAID IT WOULD GIVE ME ALL OF THE REQUIRED FLOOR TO GROUND AREA RATIO THAT I NEEDED FOR THE PROJECT AT THAT TIME.

THE MAYOR TOLD ME THAT IT WOULD BE ONLY TWO MONTHS BEFORE ADOPTION OF THE DOWNTOWN PLAN. THE PROGRAM WAS THEN HELD IN ABEYANCE. TODAY, OVER 2 1/2 YEARS LATER, I AM STILL WAITING FOR THE DOWNTOWN PLAN TO BE OFFICIALLY ADOPTED.

STAFF REPORT STATES THAT PRIVATELY BUILT HOUSING WOULD BE IMPOSSIBLE WITHOUT GOVERNMENT ASSISTANCE, PARTICULARLY LONG TERM MORTGAGE FINANCING AT VERY LOW INTEREST RATES. THIS IS CLEARLY STATED IN THE 1974 LORD LEBLANC ANALYSIS OF THE DOWNTOWN PLAN (PAGES 66-69). IT IS MY OPINION WE ARE SEVEN TO TEN YEARS AWAY FROM THE TYPE OF FINANCING WHICH WOULD MAKE MULTI-FAMILY HOUSING IN THE CORE AREA FEASIBLE.

BEST INTERIM USE

AFTER TEN YEARS OF SEARCHING FOR A REASONABLE LEGAL USE, I ASK THAT I NOW BE PERMITTED TO DEVELOP THIS PROPERTY ON AN INTERIM-USE BASIS. THIS PROGRAM DOES NOT FORECLOSE A LATER IMPROVEMENT THAT WOULD BE DESIRABLE AND WELCOMED BY ALL CONCERNED.

THE PROPERTY IS CONSIDERED COMMERCIAL PROPERTY BY THE ASSESSOR, AND IS ASSESSED AT APPROXIMATELY ONE QUARTER OF A MILLION DOLLARS IN VALUE. THE TAXES ARE APPROXIMATELY $550 PER MONTH. THE GROSS INCOME OF THE PROPERTY IS $750 PER MONTH. I AM WORKING FOR THE TAX COLLECTOR ON THE BASIS OF THE PRESENT INCOME. AS A PROPERTY OWNER, I SHOULD BE ENTITLED TO A DECENT RETURN ON MY LAND INVESTMENT.

THIS PROPOSED PROJECT BEST FITS THE INTERIM NEEDS TO DEVELOP INCOME AND PROVIDE A PUBLIC SERVICE UNTIL SUCH TIME AS IT CAN BE IMPROVED WITH A BETTER USE.

I THEREFORE ASK FOR YOUR APPROVAL OF THIS PROJECT TODAY.

DOWNTOWN PARKING

AND

CIRCULATION POLICY

As
Recommended

by
Portland City
Planning Commission

October 10, 1974

Original Draft
Prepared By

Robert Conradt

Transportation Consultant

3rd Printing

Streets classified as traffic access streets are listed below and are also indicated on the accompanying map, Exhibit III

North-South Streets:

Harbor Way between Marquam Bridge and Jefferson Street.

Front Avenue between Stadium Freeway and Taylor Streets.

Front Avenue between Stark Street and Broadway Bridge.

First Avenue between Stadium Freeway and Clay Street.

Second Avenue between Salmon and Oak Streets.

Third Avenue between Salmon and Glisan Streets.

Fourth Avenue between Stadium Freeway and Glisan Street.

Broadway between Stadium Freeway and Broadway Bridge.

Tenth Avenue between Market and Hoyt Streets.

Eleventh Avenue between Market and Glisan Streets.

Twelfth Avenue between Stadium Freeway and Market Street.

Thirteenth Avenue between Montgomery Street and West Burnside.

Fourteenth Avenue between Stadium Freeway and Hoyt Street.

Fifteenth AVenue between Everett and Glisan Streets.

East-West Streets:

Harrison Street between Broadway and Front Avenue.

Clay Street between Sunset Freeway and Front Avenue.

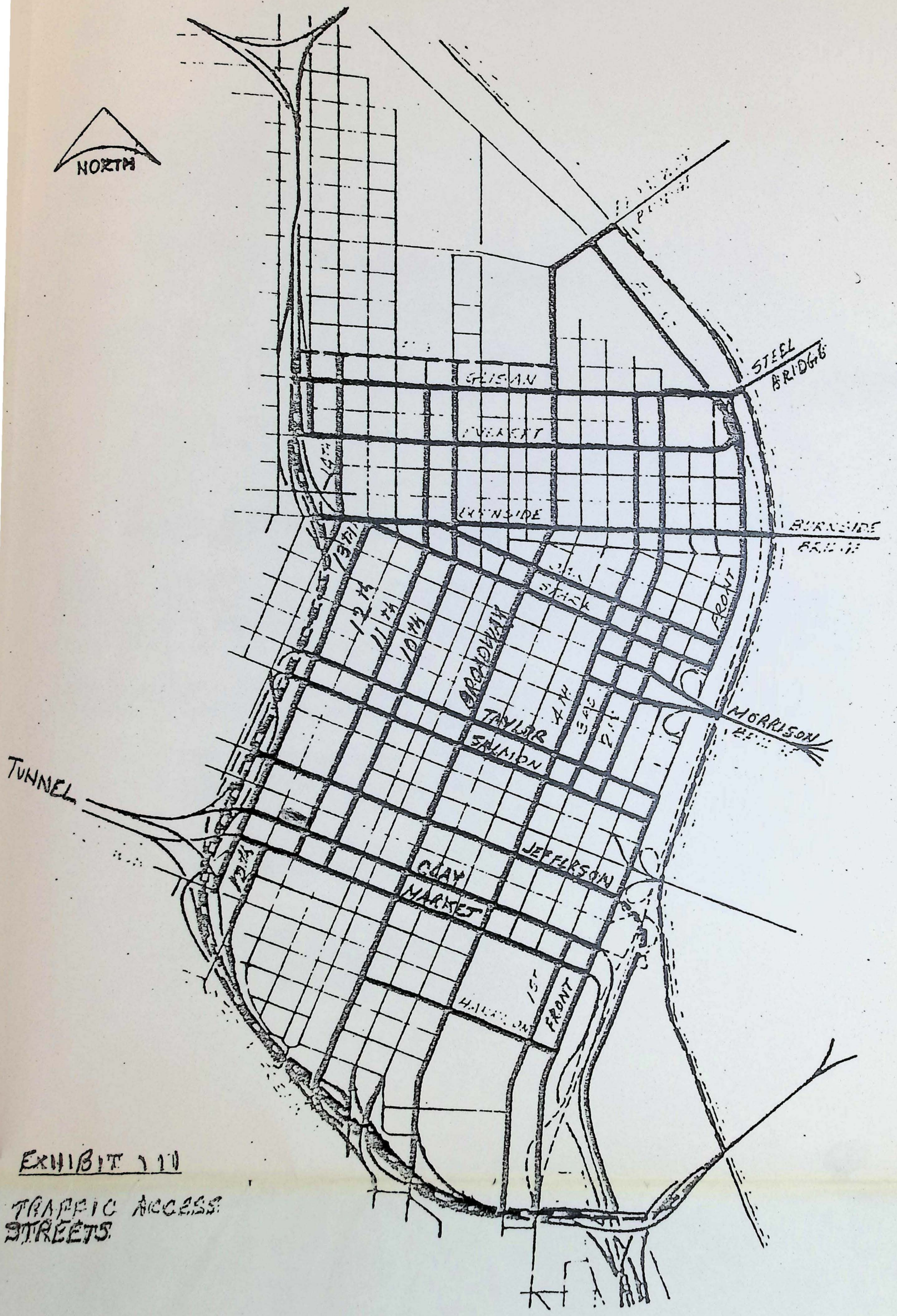


EXHIBIT VII

TRAFFIC ACCESS STREETS

MARK P. O'DONNELL
ATTORNEY AT LAW
811 N. W. 19TH AVENUE
PORTLAND, OREGON 97209

MARK P. O'DONNELL
THOMAS A. GERBER

AREA CODE 503
TELEPHONE 222-4402

July 1, 1975

City of Portland
Planning Commission
424 SW Main Street
Portland, Oregon 97204

Re: DPR (Harold and Arlene Schnitzer) DPR-41

Dear Planning Commission Members:

The property subject to this Downtown Plan Review is designated C-2 by the Municipal Code of the City of Portland. At page 12 of the Staff Report, it states:

> "The applicant errs in the last paragraph of Section I in stating that the conditions of C2 (General Commercial) Zoning are reinstated. The passage of Downtown Plan Review Ordinance abrogates C2 zoning on the proposed site as well as the terms of Ordinance 121897."

This statement ignores Ordinance No. 134013, 134079, 137951 and 139311 passed January 16, effective February 17, 1975. These Ordinances designate "car washing by mechanical means" as an outright use in the C-2 zone.

"Abrogation" of C-2 zoning on my client's property has not occurred for the following reasons:

1. The Downtown Plan Review Ordinance is not a Comprehensive Plan nor a "well considered plan" as such term is used in ORS 227.240(1).

2. The Downtown Plan Review Ordinance was not enacted in the manner required by ORS Chapter 227.

3. My client has never been notified that the City of Portland has "abrogated" C-2 zoning on his property.

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

June 24, 1975

The regular meeting of the Zoning Committee was called to order in Room 200, City Hall Annex, at 1:00 p.m. by Chairperson Rose'. Present were members Roso, Shannon and Wessinger, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 44-75 Conditional Use for an addition to a church and parking to be located on Lots 1 through 8, west ½ of Lot 9, and Lots 17 through 20, Block 5, Portsmouth, was requested by Church of Jesus Christ of Latter Day Saints, deedholder and optional purchaser; and Earl M. Morse, Ray E. Nygren, Paul D. Tolman, and Wellington C. Phelps, deedholders.

Don Fink, 2105 N. Willamette, was present representing the applicant. He described the uses to which the existing church is put. He stated that the previously approved parking lot on N. Bowdoin would be sold if this request is approved. He also stated that the Church entrance would be reoriented so as to face the parking lot on N. Oberlin.

Ray Nygren, 5409 N. Oberlin, was also present representing the applicant.

There was discussion regarding the applicant's long-range plans for church expansion.

Letters of remonstrance were received from Fenton T. and Marie L. Westerby, 5515 N. Bowdoin; and Theodore W., Sr. and Margaret G. Keeland, 5605 N. Bowdoin.

North Portland Citizens Committee recommended approval with the conditions that there be planting bordering the parking lot and that street parking be discouraged.

The Staff recommended denial of the request.

MOTION: Ms. Roso moved approval of the Staff Recommendation.

There was no second to this motion.

ACTION: Mr. Shannon moved to defer the request for no more than 60 days so that the applicant can formulate a master plan including screening of the subject sites. Mr. Wessinger seconded. So ordered.

Mr. Wessinger felt that this matter should go to the nieghborhood group again for comment before coming back to the Zoning Committee.

* * *

CU 45-75 Conditional use for fill to be located on Tax Lots 241, 5, and 67, Section 13, T1N, R1E, was requested by Harold G., Evelyn M., and Michael L. Jefferis, deedholders.

H. G. Jefferis, applicant, was present. He stated that the houses and trees (except for three fruit trees) on the site would remain.

A letter of approval was received from Leo S. and Willa C. Wynans, 6135 SE Taylor Court.

The Staff recommended approval with the following conditions: (1) the applicant shall obtain a grading permit as required by Chapter 70 of the Uniform Building Code; (2) the 2:1 slope near the southerly property line shall be stabilized and landscaped; and (3) all other City Code requirements shall be met.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Ms. Roso seconded. So ordered.

* * *

CU 46-75 Conditional Use for school to be located on Tax Lot 1 of Blocks 1, 2, 3, 16, 17, and 18, West Portland, was requested by School District No. 1, deedholder.

John Storrs was present representing the applicant.

Frank Frost, Bureau of Planning Staff, was present to answer any questions the Committee might have regarding the proposal.

Will Fletcher, Area 1 Administrator, was present.

There was discussion regarding plans for Area 1 remodeling. Such plans were requested by the Zoning Committee.

A letter of approval was received from C. M. Douglass, 1209 S. Mourve, Apt. 5, Spokane, Washington.

The Staff recommended approval subject to Design Committee review and approval of final plans.

ACTION: Ms. Roso moved approval of the Staff Recommendation amended to say that the Design Committee Staff shall review and approve final plans. Mr. Shannon seconded. So ordered.

* * *

CU 47-75 Conditional Use for school to be located on Tax Lots 24, 25, and 26, Section 32, T1S, R1E, was requested by School District No. 1, deedholder.

Those present to speak on CU 46-75 were also present for this request.

There was discussion regarding the possibility of improving the appearance of the existing building while the addition is being made. It was suggested that the School District could plant trees around the building.

The Staff recommended approval subject to Design Committee Staff review and approval of plans.

MOTION: Mr. Shannon moved approval of the Staff Recommendation. Ms. Roso seconded.

MOTION: Ms. Roso moved to amend the motion to include a condition that trees be planted around the existing building.

There was no second to this motion.

MOTION: Ms. Roso moved to amend the motion to include a condition that the Bureau of Planning Staff and School District No. 1 work toward improving the appearance of the existing building. Mr. Shannon seconded the amendment.

ACTION: The motion as amended was passed with the following vote:

Ayes: Rose', Roso, Shannon
Abstention: Wessinger

Mr. Wessinger abstained because he did not hear the entire case.

* * *

6446A Access variance for Tax Lot 221, Section 17, T1S, R1E, was requested by Frank and Carol Juhnke, deedholders, and Lee and Miriam Zumwalt, contract purchasers.

Lee Zumwalt, 7230 SW 189th, Beaverton, was present.

There was discussion regarding who currently uses the subject easements for access.

A letter of approval was received from Alfred T. and Mary E. Goodwin, 3430 SW Seymour Street.

The Staff recommended approval of the request.

ACTION: Mr. Wessinger moved approval of the request in accordance with the Staff Recommendation. Ms. Roso seconded. So ordered.

* * *

6440 Zone change from R7 to A1 for the north ½ of Tax Lot 141, Tax Lot 95, except the north 17.5 ft. of the west 162 ft., Section 20, T1S, R1E, was requested by Alfred C. and Helen E. Hutchinson, deedholders.

Rena Goodman, attorney representing the applicant, was present. She displayed a map showing existing apartment-zoned property and apartment development within a one-mile radius of the site. She also presented a listing of apartments in the area and their vacancy rates. Ms. Goodman stated that if the zone change were granted, they would approach the owners of the apartment to the west and attempt to obtain an easement for access to SW 45th.

There was discussion regarding the possibility of a compromise between the A1 maximum density proposed by the applicant and the presently-allowed number of units.

The Staff recommended denial of the request.

ACTION: Mr. Shannon moved denial of the request in accordance with the Staff Recommendation. Mr. Wessinger seconded. The vote was as follows:

Ayes: Rose', Wessinger, Shannon
Nay: Roso

Because of a split vote this matter is referred to the full Planning Commission meeting in September.

* * *

6444 Zone change from A1 to C2 for Lot 4, Block 5, Dunn's, was requested by Northwest Pump and Equipment Co., deedholder.

Bill Robbins was present representing the applicant. He stated that the structure at 2109 SE Ankeny is in very poor condition and would have to be removed in the near future.

Bob Miller was present representing the applicant.

Southeast Uplift recommended denial of the request in accordance with the recommendation of the Buckman Neighborhood Association.

There was discussion regarding the fact that reports had not yet been received from the Traffic Engineer and City Engineer.

The Staff recommended approval of the request with the condition that the building on the west 25.4 ft. of Lot 4 be used for offices only and that the Staff of the Design Committee review and approve exterior remodeling plans for that building and the newer building. The Staff also recommended that the Planning Commission initiate C2 zoning for the A1P zone adjacent to the west side of the subject property.

ACTION: Mr. Shannon moved approval of the Staff Recommendation contingent upon receipt by the Staff of favorable letters from the City Engineer and Traffic Engineer. Mr. Wessinger seconded. So ordered.

* * *

6445 Zone change from R5 to A2.5 for Lots 7 and 8, Block 3, Normandale, was requested by Wirthmore Homes, deedholder.

Carl Royer was present representing the applicant.

There was discussion regarding public need for duplex property in the City. There was also discussion regarding the number of non-conforming uses in the immediate area.

The Staff recommended denial of the request.

MOTION: Mr. Shannon moved that the Staff's findings be amended to include that this lot is appropriate for a duplex density which would be consistent with the neighborhood, but not any greater density; and that the zone change be approved for a duplex only. Ms. Roso seconded.

MOTION: Ms. Roso moved to amend the motion to include approval of a variance to allow construction of the proposed duplex. Mr. Shannon seconded the amendment.

ACTION: The vote on the amended motion was as follows:

Ayes: Rosé, Roso, Shannon
Nay: Wessinger

Because of a split vote this matter is referred to the full Planning Commission.

* * *

The meeting was adjourned by Chairperson Rose' at 4:00 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

July 8, 1975

The regular meeting of the Zoning Committee was called to order in the Water Services Building, downstairs auditorium, at 1:15 p.m. by Chairperson Sheldon. Present were members Barnett and Minden, Building Bureau Representative Dunnigan, and Staff Members Vail and Tucker.

* * *

CU 48-75 Conditional Use for a veterinary clinic to be located on Lots 17 and 18, Block 42, Laurelhurst, was requested by Edward and Iris Fielitz, deedholders, and Matthew Maberry, contract purchaser.

Dr. Maberry, applicant, 17340 SW Augusta Lane, Beaverton, was present. He stated that the building previously was used as a chiropractic clinic and is still usable as a clinic of some type.

There was discussion regarding Dr. Maberry's plans for the houses on the site. He said that he currently plans to rent them as houses but could possibly rent them as offices in the future.

Letters of remonstrance were received from Gordon N. Smith, 1219 Ocean View Boulevard, Pacific Grove, California; and John D. Grimes, P.A., 3439 NE Sandy Boulevard.

Southeast Uplift recommended approval with the condition that the residential appearance of the structure be maintained.

The Staff recommended approval with the condition that the buildings and site be maintained residential in appearance.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Mr. Barnett seconded. So ordered.

* * *

CU 50-75 Conditional Use for a new church to be located on Tax Lot 10, Section 8, T1S, R2E, was requested by Chinese Presbyterian Church, deedholder, by Jack K. Lee and Henry Wong.

Jack Lee, 7121 SE Grand, was present representing the applicant.

There was discussion regarding the fact that this proposal would leave Lot 11 to the south landlocked. The possibility of requiring an additional 12 ft. easement to the existing 12 ft. easement for future access to the lot to the south was discussed.

A letter stating no objection was received from Howard D. Weese, 2516 SE 77th Avenue.

Letters of remonstrance were received from Emil E. and Lena M. Cottardi, 2745 SE 75th Avenue; Terri Lee Zancolli, 2449 SE 77th Avenue; George R. Nelson, 7618 SE Clinton; and Hermina and Rose Zipple, 2630 SE 77th Avenue.

Southeast Uplift recommended approval of plans submitted with the condition that the applicant agree in writing to improve SE Clinton Street between SE 75th and SE 76th at no cost to abutting property owners.

The Staff recommended approval in accordance with the plan submitted dated May 9, 1975, on the condition that the applicant agree to improve SE Clinton Street between SE 77th Avenue and the west line of the driveway.

There was discussion regarding the Staff's reasons for not recommending improvement of all of SE Clinton between 75th and 77th.

ACTION: Mr. Minden moved approval of the Staff Recommendation with the added condition that the applicant agree to furnish an additional 12 ft. to the existing 12 ft. easement on the east side of the property if and when the Planning Commission deems it is necessary for use as access to the property to the south. Mr. Barnett seconded. So ordered.

* * *

CU 51-75 Conditional Use for off-street parking for a club to be located on Tax Lots 10 and 11, Block 6, Amos N. King, was requested by the Multnomah Athletic Club, deedholder.

Ralph Walstrom, 233 SW Front, was present representing the applicant.

There was discussion regarding how much parking space the Multnomah Athletic Club currently has.

Irene Wolfson, 1925 SW Main, was present to speak against the request. She objected to noise and air pollution caused by existing parking lots and the fact that autos continue to use most of the on-street parking in the area.

Dr. Frank Wesley, 1925 SW Main, was present in remonstrance.

Patrick Killelee, 1040 SW 20th, was present to speak against the request.

Dr. C. C. Sherton, 1032 SW 20th, was present in remonstrance.

Letters of remonstrance were received from Sigfrid Unander, 2021 SW Main St., Unit #54; and Irene Wolfson, 1925 SW Main.

The Staff recommended denial of the request.

There was discussion regarding the terrain difference between the subject lot and the applicant's adjacent parking lot which results in the necessity of providing access to the lot from SW 20th, a residential street. The Planning Commission felt that the small number of spaces to be provided by the proposed lot would not justify the further erosion of the residential area. They also felt that the Multnomah Athletic Club should examine the feasibility of constructing a multi-level parking lot.

ACTION: Mr. Barnett moved denial of the request in accordance with the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

CU 52-75 Conditional Use for temporary college use to be located on Tax Lot 38, Section 27, T1S, R1E, was requested by Lewis and Clark College, deedholder.

Alan Robertson was present representing Lewis and Clark College.

Dwight Booth, 0600 SW Palatine Hill Road, was present in remonstrance to the request. He stated that although he owns property adjacent to the subject site, he did not receive notification of the hearing.

There was discussion regarding the type of changes which have been made to the house to determine whether or not it could be returned to residential use in the future.

The Staff recommended approval until August 1976 with the condition that no structural changes be made to the exterior or interior of the building that would preclude future residential use of the property at the termination of the temporary use. The Staff of the Design Committee shall review any of the signing of the structure so that it is kept in residential taste.

There was discussion regarding the possibility of granting a revocable permit for the use in order to have more control over it.

ACTION: Mr. Minden moved denial of the Conditional Use but approval of a revocable permit for temporary college use until August 1976 with the condition that no structural changes be made to the exterior or interior of the building that would preclude future residential use of the property at the termination of the temporary use; the Staff of the Design Commiteee shall review any of the

signing of the structure so that it is kept in residential taste. Mr. Barnett seconded. So ordered.

* * *

6431 Zone change from R5 to A2.5 for Lot 5 except the west 20 ft. and all of Lots 6, 7 and 8, Lee Bow Park, was requested by Gordon R. Jantz, deedholder.

Gordon Jantz, 9025 NE Irving, applicant, was present. He stated he would like to construct five units on the site. He presented photographs of his units of similar density in the area.

Dave Utzinger, 7231 SE Sherman, was present. He stated he would be in favor of an A2.5 zone change, and that he would have no objection to five units if it could be done within the A2.5 zone.

There was discussion regarding Mr. Jantz's intentions for disposition of the property. He stated that he would probably develop the property as soon as financing was available.

Southeast Uplift recommended denial of the request; however, this recommendation was based on the applicant's original plan to construct nine units using the transitional use concept.

The Staff recommended approval of A2.5 with a variance to allow construction of four units on the property.

ACTION: Mr. Barnett moved to defer the request for no more than 90 days in order to allow the applicant to come back with site plans for various densities (e.g., 5, 6, 7, and 8 units) as options. Mr. Minden seconded. So ordered.

* * *

6442 Zone change from M2S to M2SD for Tax Lots 4, 9, 70, 71, and 77, Section 15, T1S, R1E; and Tax Lots 13, 14, 15, 17, and 65, Section 10, T1S, R1E, was initiated by the City Planning Commission.

Fred Bender, La Bien Co., was present. He stated that he would support the design criteria adopted by the Corbett-Terwilliger-Lair Hill Planning Committee (as shown in Exhibit A with the exclusion of item #13 and with the additional statement that the criteria are still open for modifications and additions).

Penny Allen was present representing the Corbett-Terwilliger-Lair Hill Planning Committee.

Alan Fox, Bureau of Planning Staff, was present. He stated that the D zone was included in the Corbett-Terwilliger-Lair Hill plan

as a means of controlling in some way the development of the water-front in this area.

Eric Silberstein, 3627 SW Kelly, was present. He stated that the reason the D zone was included in the Corbett-Terwilliger plan was because it was the only tool available to the neighborhood to have any kind of impact on the development of the site; that it was not necessarily the best tool available, but the only one.

The Staff recommended approval of the "D" design superimposed zone.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Mr. Barnett seconded. So ordered.

It was also directed that the Design Committee be given a copy of the design criteria for the consideration of any development on the subject site.

* * *

V 6-75 Vacation of the north 30 ft. of SW Nevada Court between SW Capitol Hill Road and SW Bertha Boulevard was petitioned for by Vernon McCoy in order to enlarge yard area and to locate a garage south of petitioner's dwelling.

Mr. Barnett stated that he would have to leave the meeting within ten minutes; therefore, public testimony was taken only from those who would be unable to attend a rescheduled hearing of this case.

Clarence Christiansen, was present to speak in favor of the request.

Charles Taggert, Chico, California, was present to speak against the request.

Vernon McCoy, 7128 SW Capitol Hill Road, petitioner, was present but did not speak.

Because of Mr. Barnett's required departure and the loss of a quorum, this matter was rescheduled to be heard first on the agenda of August 12, 1975.

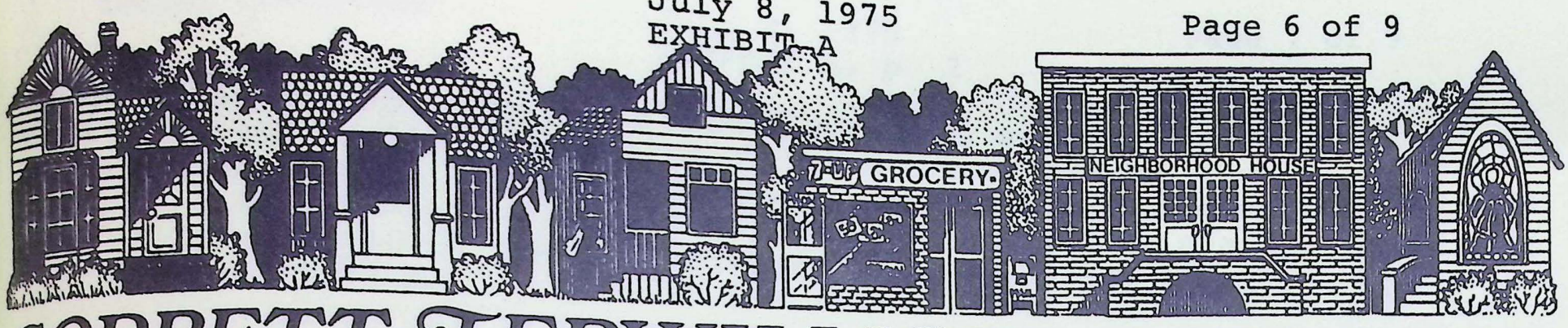
* * *

CU 49-75 Conditional Use for temporary chapel to be located on Block 305, Couch's Addition, was requested by Good Samaritan Hospital and Medical Center, deedholder.

The Staff moved approval of a waiver of the public hearing and approval of the request.

ACTION: Mr. Minden moved approval of the Staff Recommendation. Mr. Barnett seconded. So ordered.

* * *



CORBETT·TERWILLIGER·LAIR HILL
PLANNING COMMITTEE

DALE MEYERS, Chairperson
Corbett·Terwilliger·Lair Hill
Planning Committee
0333 S.W. Vermont Street, Portland, Oregon
246-5781

LES HOPKINS, Co-chairperson
336 SW Woods Street
Portland, Oregon
223-6474

ALAN J. FOX, District Planner
Portland Bureau of Planning
424 S.W. Main Street, Portland, Oregon
248-4254

June 6, 1975

Mr. George Sheldon, President
Portland City Planning Commission
424 S.W. Main Street
Portland, Oregon 97204

Subject: Initiation of D Zone North of Johns Landing

Dear Mr. Sheldon:

Please be advised that at its 21 May and 4 June 1975 meetings the Corbett/Terwilliger/Lair Hill Planning Committee approved the following recommended criteria for the subject D Zone:

1. Traffic access and parking facilities for the subject project shall be developed to the satisfaction of the Design Review Committee and with the cooperation of the Corbett/Terwilliger/Lair Hill Planning Committee, especially regarding any realignment, vacation or dedication of SW Macadam Avenue and adjacent streets; refuge lanes; traffic signals; and pedestrian and bicycle crossings to insure the safest and most compatible traffic and parking arrangements for the neighborhood. This statement shall be applied only to that part of Macadam Avenue between the north and south boundaries of the subject project and easterly accesses therefrom.

2. Private roadways in the subject project shall not be constructed without prior approval of the City Engineer and the City Fire Marshall. Such roadways shall be constructed to the load-bearing capacity of the largest of public service and safety vehicles, and the Developer shall agree that the City shall be held blameless for any damage done to the roadway or to any adjacent structures resulting from a failure to construct such private roadways with an adequate load-bearing capacity.

3. When intersecting with public streets, private roadways in the subject project shall be designed to give the appearance of private driveways and shall be illuminated to maximize traffic safety. Such lighting plan shall be approved by the City Traffic Engineer prior to installation.

4. The Developer shall develop the subject project with underground wiring and utilities which shall comply with City of Portland Codes and standards.

5. The Developer shall satisfy requirements of the City Engineer Sewer Division regarding sanitary and storm sewers for the subject project.

6. The Developer shall satisfy requirements of the City Water Bureau and Fire Marshall regarding services and fire hydrants for the subject project.

7. The Building Bureau shall require compliance of the subject project with Chapter 70 of the Uniform Building Code.

8. In the event of its vacation, the Developer will convey the Southern Pacific easement to the public.

9. Since construction of the subject project will be spread over several years, hours of construction shall be limited to the hours which would not create a nuisance to nearby residents to ensure residents and neighbors of quiet times in evening and weekend.

10. The Developer shall maintain the subject property construction sites so that dirt, dust and mud to not cause a hardship on adjoining properties or result in erosion.

11. The Developer shall agree to the establishment of a "D (Design) Zone" for all subject project properties not within the present Conditional Use fill area.

12. The Developer agrees to support efforts to provide mass transit to the developer.

13. The Developer agrees that any deviation from a limitation of five stories in height shall be reviewed by the Design Review Committee of the Planning Commission.

14. The quasi-public areas within the subject project such as sidewalks, streets, town square, plazas and parks shall permit the same kinds of uses by the general public as comparable publicly-owned areas as public streets and public parks.

15. The Developer shall take all steps feasible to assure that construction traffic shall use State, Federal and private roads to the maximum extent possible and to minimize traffic through residential areas.

Thank you for your consideration.

Sincerely,

Dale R. Meyers
Chairperson

DRM/db

CU 106-72 Amendment for CU 106-72 was requested by Holladay Park Hospital, deedholder. Amendment to substitute a new master plan

The Staff recommended approval of a waiver of the fee and public hearing and approval of the request.

ACTION: Mr. Barnett moved approval of the Staff Recommendation. Mr. Minden seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Sheldon at 4:25 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
6/18/75	1717. Report of the City Planning Commission on the appeal of S & S Properties, deedholder, and Carl E. Royer, contract purchaser, against denial of Variance request to reduce the minimum lot area from the required 10,000 square feet to 8,046.25 square feet and to reduce the minimum lot width from the required 70 feet to 64.37 feet on the south 64.37 feet of the westerly 155 feet of the south half of Lots 1 and 2, Block 1, Englewood Park, except the part in the street, located on the east side of N.E. 45th Avenue between N.E. Holman and Ainsworth Streets, in Zone R10. Denial reaffirmed. (PC VZ 69-75) (1683)	Adopted Planning Commission report
	1718. Report of the City Planning Commission on the petition of East Side Van and Storage, deedholder, to change from Zone R5 and R5P to M3, Tax Lot 238, Section 7, T1S, R2E; and by City Planning Initiation Lot 3, Block 2, North Ivanhoe, and the south 150 feet of Tax Lot 50, Section 7, T1S, R2E, located at S.E. 48th and 49th Avenues south of S.E. Powell Boulevard. Approval with condition recommended. (PC 6428)	Continued to July 9 for viewing trip
	1719. Report of the City Planning Commission on the petition of Norlinn, Inc., lessee, for a revocable permit for storage of inoperable vehicles on Lot 8, except the east 10 feet, all of Lots 9, 10, 11 and 12, Block 3, Bernhardt Park, located on the north side of Foster Road, between S.E. 88th and 91st Avenues, in Zone M3 and A2.5. Approval recommended. (PC 6433R)	Adopted Planning Commission report
6/19/75	1743. An Ordinance extending the time upon petition of Whitehouse Nursing Care, Inc., until termination of its conditional use for a welfare institution on the east side of S.E. 105th Avenue between S.E. Lexington and Rex because of unreasonable hardship, and declaring an emergency. (Not Read) (1674)	Passed
	1767. 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 and the Downtown Parking and Circulation Policy adopted by the Council, appeal and hearing procedures, exclusion of existing urban renewal areas, and declaring an emergency.	Passed
	1768. Repealing Ordinance No. 139646, which granted a revocable permit to Herbert M. Clark, Jr., deedholder, and the University of Oregon Medical School, Department of Psychiatry, renter, for permission to conduct a day care center on Tax Lot 153, Section 29, T1N, R1E, located at 2127 N.W. 26th Avenue, under certain conditions, repealing Ordinances 135478 and 137477, and declaring an emergency.	Passed
	1791. Changing from Zone A2.5 to C2, Lot 6, Block 21, North Albina, located at 5903 N. Maryland Avenue, petitioned for by Ernest Jim and Zona A. Perry, deedholders, with certain conditions, and declaring an emergency.	Passed
	1792. Repealing Ordinance No. 140026, amending Chapter 33.120 of the Code of the City of Portland relating to historical districts, buildings and sites, establishing an effective date, and declaring an emergency.	Passed
6/25/75	1872. Changing from Zone R7 to A2.5, Tax Lots 1 and 2 of Lot 1, Lots 2 and 3, Block 1, Onaway, and Tax Lot 194, Section 17, T1S, R1E, located on the southerly side of S.W. Beaverton-Hillsdale Highway near S.W. 35th Avenue, petitioned for by Glenn R. Zimmerman, Trustee, Dwight B. Zimmerman and Marjorie Zimmerman, and Jane S. Myers, deedholders, and Elroy Prosch, contract purchaser, with certain conditions, and declaring an emergency.	Passed

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
6/25/75 (cont.)	1873. Changing from Zone R10L and R20L to FFL, Tax Lot 1 and 2 of Lot 13, Tax Lot 5 of Lot 14, Golf Acres and Plat 2, and that portion of Tax Lot 12, Section 2, T1N, R1E, zoned R10L, petitioned for by James E. and Donna M. Fitchett, George K. and Betty Van Horn, and Milton E. and Connie B. Taylor, deedholders; and from Zone R10L to FFL for that portion of Tax Lot 4 of Lots 13-19, Golf Acres and Plat 2 zoned R10L, Tax Lot 1 of Lot 38 and Tax Lot 2 of Lots 37 and 38, Golf Acres and Plat 2, initiated by the Planning Commission; located at N.E. 13th Avenue and N.E. Gertz Road; with certain conditions, and declaring an emergency.	Passed
	1874. Changing from Zone R5 and A2.5 to A1, Tax Lot 107, Section 5, T1S, R2E, located on the northeast corner of S.E. 75th Avenue and S.E. Division Street, petitioned for by the Estate of Lydia Gwinner, deedholder, and Joseph E. Weston, optional purchaser, with certain conditions, and declaring an emergency.	Passed
	1878. Report of the City Planning Commission on the appeal of Peter and Helle Nathan, deedholders, against denial of a Variance request to reduce the rear yard, north, from the required 10 feet to 0 feet, on Tax Lot 93, Section 7, T1S, R1E, located at 5171 S.W. Hewett Boulevard, in Zone R20. Denial reaffirmed. (PC VZ 72-75) (1684)	Adopted Planning Commission report
	1879. Report of the City Planning Commission on the petition of Franklin Service Corporation, deedholder, to change from Zone R5 to A2.5, Lots 3 through 36, Blocks 1 and 2, and Lots 3 through 19, Block 3, Mittleman Addition, located 100 feet east of S.E. 60th Avenue adjacent to S.E. Sherman and S.E. Grant Streets and south of the Park Bureau road east of S.E. 60th Avenue. Denial recommended. (PC 6387) (1279)	Tabled
7/2/75	1912. Hearing on Northwest District Comprehensive Plan Goals and Guidelines. (118)	Passed as amended
7/3/75	1929. Returning C.C. No. 1571, being report of the City Planning Commission initiating a zone change from County F2 and City M1 to FF and report on revocable permit request of the City Engineer to expand the St. Johns Sanitary Landfill on Tax Lots 3, 5 and 6, Section 31, T2N, R1E, and Tax Lots 2 and 30, Section 36, T3N, R1W, located in the Bybee Lake area, P.C. File Nos. 6437R and 6390, approval of 5-year revocable permit for the landfill with conditions and approval of zone change recommended; recommending Council now continue the hearing so that a decision on the landfill permit and zone change may be reached.	Passed as amended
	1978. Fixing a public hearing for August 13, 1975, at 9:30 a.m., in the Council Chamber of the City Hall, on the question of withdrawal from Palatine Hill Water District of property within Sections 33 and 34, T1S, R1E, W.M., from the unincorporated portion of Tryon Creek State Park, annexed to the City of Portland, authorizing the City Auditor to publish and post notices and expend money therefor, and declaring an emergency.	Passed
	1979. Granting a revocable permit to Norlinn, Inc., for storage of inoperable vehicles on Lots 9, 10, 11 and 12, Block 3, Bernhardt Park, except that portion containing the house, located on the north side of Foster Road, between S.E. 88th and 91st Avenues, under certain conditions, and declaring an emergency.	Passed
	1982. Amending Title 33, the Planning and Zoning Code of the City of Portland, to provide new definitions for hospitals and related uses, to provide new and improved off-street parking and other requirements for such uses, and declaring an emergency.	Continued to July 16

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
7/9/75	**2019.** Hearing on Portland Historical Landmarks Commission proposal for historic designation of two Downtown Districts (Skidmore-Old Town and Yamhill Historic Districts). (1615)	Adopted
	2020. Report of the City Planning Commission on the petition of East Side Van and Storage, deedholder, to change from Zone R5 and R5P to M3, Tax Lot 238, Section 7, T1S, R2E; and by City Planning Initiation Lot 3, Block 2, North Ivanhoe, and the south 150 feet of Tax Lot 50, Section 7, T1S, R2E, located at S.E. 48th and 49th Avenues south of S.E. Powell Boulevard. Approval with condition recommended. (PC 6428) (1718)	Adopted Planning Commission report
	2021. Report of the City Planning Commission on the petition of Charles A. and Jean E. Robinson, and Emma Schlesser, deedholders, to change from Zone R20 to FF, Tax Lot 4 of Lots 13 through 17, Lots 19 and 20, Golf Acres and Plat 2, located on the north side of N.E. Gertz Road, west of N.E. Levee Road. Approval recommended. (PC 6429)	Adopted Planning Commission report
	2022. Report of the City Planning Commission on the petition of Manifold Business and Investments, Inc., Alice Wilkerson, Charles and Florence Ruckles, deedholders; and Society of St. Vincent de Paul, optional purchaser, for a change of zone from A2.5 to M3, Lots 3, 4, 9 and 10, Block 2, Evanston, located at 3634 S.E. 27th Avenue. Approval of M3B with a variance recommended. (PC 6439)	Adopted Planning Commission report with broadened authority to Design Committee Staff
	2023. Report of the City Planning Commission on the petition of Nina Chastain, deedholder, to change from Zone R5 to A2.5, Lots 6 and 7, Block 7, Taborside, located on the northwest corner of S.E. 76th Avenue and Clay Street. Denial recommended. (PC 6427)	Fell below 50%
	2024. Report of the City Planning Commission on the petition of K. Milton Erickson, Lucille I. Erickson, Alvin E. and Velma J. Ostrom, deedholders, to change from Zone R20 to R10, Tax Lot 94, Section 24, T1S, R2E, located on the northerly side of S.E. Barbara Welch Road, west of S.E. Barbara Welch Lane. Denial recommended. (PC 6432)	Adopted Planning Commission report
	2025. Report of the City Planning Commission on the appeal of J. Stanley and Loretta L. Hyde, deedholders, against denial of a variance to reduce the side yard, west, from the required 5 feet to 3 feet in order to erect an addition to the existing dwelling on Lots 9 and 10, Block 44, University Park, located at 5268 North Princeton Street, in Zone R5. Denial reaffirmed. (PC VZ 91-75)	Variance approved
7/16/75	**2083.** Report of the City Planning Commission on the petition of deedholders, contract and optional purchasers, for a change of zone from A1 to A0, Lots 6, 7, 10, 11, 14, 15, and 18, Block 1, Goldsmith's Addition, located on the north side of N.W. Lovejoy Street between N.W. 23rd and N.W. 24th Avenues. Denial recommended. (PC 6435)	Adopted Planning Commission report
	2084. Report of the City Planning Commmission on the petition of Richard E. and Dorothy I. Chase, deedholders, to change from Zone R5 to A2.5, the south 8½ feet of Lot 17, all of Lot 18, and the north 16½ feet of Lot 19, Block 15, Mt. Tabor Villa Annex, located on the east side of N.E. 80th Avenue south of N.E. Flanders Street. Denial recommended. (PC 6438)	Adopted Planning Commission report
	2085. Report of the City Planning Commission on the petition of Mt. Olivet Baptist Church, deedholder, and Northeast Cooperative Pre-School, applicant, for a revocable permit for day care (pre-school), on Lots 1 and 2, Block 245, Holladays Addition, located at 116 N.E. Schuyler Street, in Zone M2. Approval recommended. (PC 6441R)	Adopted Planning Commission report

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
7/16/75 (cont.)	2086. Report of the City Planning Commission on the appeal of Elmer D. and Edna C. Brice against granting the Conditional Use request of Vermont Hills United Methodist Church, deedholder, and Westside School, Inc., applicant for increased use of day care center from 20 to 24 preschool children, on Tax Lot 218, Section 18, T1S, R1E, located at 6053 S.W. 55th Drive, in Zone R10. Approval with condition reaffirmed. (PC CU 37-75)	Adopted Planning Commission report with amendment
	2087. Report of the City Planning Commission on the appeal of Mr. and Mrs. Fred Singer, et al, against granting the Variance request of United States National Bank of Oregon, Trustee for Shriners Hospital, deedholders, and Curt D. Sorenson, optional purchaser, to reduce the minimum lot depth and to reduce the minimum front yard, south, on Tax Lots 228 and 229, Section 17, T1S, R1E, located on the south side of S.W. Fairvale Drive east of S.W. 42nd Avenue, in Zone R7. Approval reaffirmed. (PC VZ 93-75)	Variance Committee report adopted with Chapter 70

DPR-41/CU 57-75
CAR WASH AND AUTOMOBILE FUEL SALES REQUEST
SW CLAY STREET BETWEEN 11TH AND 12TH AVENUES
HAROLD SCHNITZER

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PORTLAND CITY PLANNING COMMISSION

APPLICATION FOR CONDITIONAL USE

DOWNTOWN PLAN REVIEW

(to be filled out in duplicate)

I hereby apply for Downtown Plan Review for: (describe fully) Development of a Carwash and automobile fuel sales facility as an interim use pending the transition from current C2 to AXZ zone, and removing the current surface parking lot.

On property described as: LOT(S) 3,4,5, and 6

BLOCK 265 ADDITION Portland

which is located at S.W. Clay

near (cross street) S.W. 11th and 12th in Zone C2

I agree to furnish three copies of a site plan drawing showing exact dimensions and arrangement of the proposed development and any other drawings, topographic surveys, photographs or other material essential to the understanding of the proposed use and its relationship to surrounding properties as may be required by the Planning Commission.

DEEDHOLDER(S)
(signatures must appear)

Harold Schnitzer Arlene Schnitzer
Husband and Wife

811 N.W. 19th Portland, 227 3404
Address and Phone Number

CONTRACT PURCHASER(S) (if any)
(signatures must appear)

Husband and Wife

Address and Phone Number

OPTIONAL PURCHASER OR RENTER (if any)
(signatures must appear)

Husband and Wife

Address and Phone Number

D.P.R. File No: 41

Quarter Section: 3128

P.C. File No: CU 57-75

SITE AND DEVELOPMENT CHARACTERISTICS

	EXISTING		PROPOSED	
	Area		Area	
Site	22,000 s.f.		22,000 s.f.	
Housing	none	Units	none	Units
Retail	none		none	
Office	none		none	
Industrial	none		none	
Open Space	-		see plans	
Parking	81	Spaces	3	Spaces
Curb		7		6
Short-term				
Long-term		7		6

APPLICANT'S STATEMENT OF PROJECT CONFORMANCE TO ADOPTED DOWNTOWN PLAN GOALS AND GUIDELINES AND OTHER GOVERNMENTAL POLICIES.

Please refer to the accompanying development statement.

DEVELOPMENT PROPOSAL

Harsh Investment Corp Property
S.W. 11th and Clay
Portland, Oregon

Hanna Industries
2000 S. E. Harvester Dr.
Portland, Oregon

Submitted by:

A. Robert Jensen AIA
Architect and Planner
222 S. W. Harrison GA 2
Portland, Oregon

INTRODUCTION

The Harsh Investment Corp. property at S. W. 11th and Clay, Portland, is currently being utilized as a parking lot under City of Portland C2 Commercial zoning. It is apparent that the property is being under-utilized for that use, that the area surrounding will undergo dramatic changes in the next decade as the Downtown Portland Plan is implemented and matures, and that the long term use for the site probably would be most appropriate as housing and supporting goods and service retail.

Given the policy to reduce the number of surface parking lots downtown, and to limit the number of total parking spaces, it seems appropriate that the current use be abandoned and attention be paid to implementation of the long term use; however, the state of development of the area will not, for several years, be enough advanced to the point where comprehensive development decisions can be generated, for what will be a major addition to Portland's housing inventory.

A search has been conducted for a logical interim use for the property. The criteria utilized was as follows:

Low capital expenditure.
" " improvement demand.
Relocatability as commercial patterns change.
Low development intensity.
Flexibility to create pedestrian amenities in observance of the future patterns of the area.

The use selected is a Carwash with gasoline sales facilities. That development meets the selected criteria. The proposal will be submitted by Hanna Industries for Planning Commission and City Council consideration.

I. HISTORY OF THE SITE

The site was originally zoned AO for apartment use. On August 5, 1964, the zone was changed to C2 Commercial for the construction of offices and stores. On February 9, 1966, the use conditions of the site under C2 zone were modified by Ordinance 121897 to permit the construction of 134 apartment units, a service station, restaurant, and office rental spaces. The site is currently being used as an unimproved parking lot.

Several development options have been explored for the site during the intervening years, including the development allowed by the uses permitted by Ordinance 121897, as well as a combination of retail spaces, parking structure, and office rentals.

The proposal in response to Ordinance 121897 was reviewed by the planning commission and the City Council during 1972-73, and at the request of the Council was suspended pending the development of the Downtown Plan.

According to the City Planning Staff, the passage of the Downtown Review Ordinance abrogates the terms of Ordinance 121897, and the conditions of C2 Commercial are reinstated.

II. EXISTING C2 COMMERCIAL ZONE

A. Chapter 33.42 Title 33 Planning and Zoning Municipal Code, City of Portland, Oregon.

B. Uses permitted are generally as follows:

Group 1: Retail services and products.
Group 2: " " " " , and financial institutions, laboratories, business and professional offices etc.
Group 3: Recreational, building materials and services, fabrication or production of previously manufactured materials, and wholesale businesses, etc.
Group 4: Automobile services and products.
Group 5: Government uses, auditoriums, hotels, libraries, drive-in businesses, etc.
Group 6: Churches, Colleges, Hospitals, etc.

C. Limitations on use:

Group 4: Car washing by mechanical means shall be allowed only when:
1. Located on the same property and operated in combination with retail gasoline facilities.

C. Limitations on use C2 (Cont'd)

2. Located in a building not more than 56' long, not more than 25' wide, and completely enclosed during operation except for driveway entrances and exits.
3. Located within a building that is sound insulated in such a manner as to at all times preclude objectionable noise or vibration.
4. Located within a building not less than 10' from, and with no driveway doorway oriented toward the side of rear lot line of any R or A zone.
5. Operated only between 7:30 am and 9:30 pm.
6. All maneuvering of vehicles is accomplished on the property and no portion of any abutting street right-of-way is used for such purposes.

D. Conditional Uses:

Per Ordinance 134013 Feb. 2, 1972: Automobile Service Stations are Conditional Uses.

Per the City of Portland Service Station Ordinance, all facilities that include retail gasoline sales are by definition "Service Stations". The limitations on C2 uses and the Service Station Ordinance effectively result in Carwashes being Conditional Uses.

E. Downtown Plan Review Area: (Effective as ammended July 13, 1972).

"Any property lying within the area bounded by N.W. Davis St. on the North, the Willamette river on the East, and the Stadium freeway on the South and West, excluding urban projects, the following regulations shall apply as to any uses, permits of approvals.....etc":

1. ...any drive-in facility shall not be made unless first approved by the Planning Director or, if rejected by the Planning Director, upon approval by the Planning Commission.
2. In all matters coming within the provisions of this section, decisions of the Planning Director, the Planning Commission, and of the City Council, shall be made on the basis of the effect of such use in relation to the then current status of studies for the Downtown Plan. If it is determined that the particular location accords with and will not be a detriment to prospective regulations for use classifications, traffic flows and design criteria, which will probably be included in the Downtown Plan, the proposed use shall be approved.

Downtown Plan Review Area: (Cont'd)

F. Summary:

Carwashing by mechanical means is a group 4 use in C2 commercial zone, is required to operate in conjunction with retail gasoline facilities, and is therefore a Conditional Use under the Service Station Ordinance. The proposal must be submitted to the City Planning Commission, be first reviewed by the Planning Staff, be reviewed by the Planning Commission in Public hearing and be considered by the City Council in public hearing for Conditional Use Permit Ordinance.

III. PROPOSED DOWNTOWN DEVELOPMENT REGULATIONS

A. Proposed Zone: AXZ

The proposed zone will permit Apartment residential with supporting retail commercial goods and services uses. There will be no requirement for automobile parking. Commercial uses will be allowed in conjunction and as an adjunct to the residential, but not alone. "A major objective of the Downtown Planning effort is to de-emphasize the automobile and improve the lot of the pedestrian". It is proposed to limit or restrict automobile traffic in the following districts:

Residential neighborhoods west of 10th between Morrison and Burnside, and between Salmon and Jefferson. The proposed site is outside those districts.

B. Permitted Uses:

1. Residential, except transient hotels and motels.
2. Business and service uses permitted in current C4 zone.
3. Restaurants and Cocktail lounges.
4. Other office or neighborhood businesses found similar to the above in accordance with Sec. 33.114.030.

C. Limitations on Use:

"All business and service activities shall be confined, contained, and conducted wholly within completely enclosed buildings.....etc".

D. Prohibited Uses:

"Uses of structures and land not specifically mentioned in this chapter are prohibited in all AX zones".

E. Proposed Automobile Circulation Patterns:

1. Clay St.: Proposed to continue to provide access to the freeway system.
2. 12th Ave.: Proposed to be minor circulation only, with no permitted access from 12th to parking on site.
3. 11th Ave.: Proposed to be restricted or eliminated as an automobile street. Proposed to emerge as a pedestrian oriented space.

IV. DESCRIPTION OF IMMEDIATE NEIGHBORHOOD

The immediate neighborhood uses are a mix of residential, religious, and commercial. Adjacent to the East across 11th ave. is the "Old Church", an historic Portland landmark. Directly to the West is another church, not of the same historical significance, but a structure that will nontheless remain for sometime. The adjacent property to the North is multi-story, multiple family, and across Clay St. to the South are multiple family and office uses.

Some of the multiple family structures will likely be renovated if, and when, the proposed AXZ zone is implemented; however, a majority of the adjacent residential uses probably will be demolished for new construction. The Harsh property will likely be the key development site anchoring residential to the North and South with the churches remaining fixed. There is almost a certainty that the entire block containing the Harsh site will be rebuilt.

V. EVOLUTION FROM CURRENT USES TO PROPOSED USES

The current use at the property is a parking lot, which is basically unimproved. Parking lots will not be an appropriate or even a permitted use under the proposed Downtown Plan.

It is apparent that the future appropriate use for the property will be that which is planned under the AXZ zone per Downtown Portland Proposed Development Regulations: Residential apartments and ancillary commercial.

The transition from the current use to the AXZ permitted uses is uncertain. The evolution of the area into a pedestrian oriented residential district is full of uncertainties which discourages the use of private venture capital for development, even if private venture capital were available in quantities necessary which is doubtful at present. Even when the supply of mortgage money again becomes plentiful (if ever), that supply will be assigned to proven projects.

V. EVOLUTION FROM CURRENT USES TO PROPOSED USES (Cont'd)

It would seem that the evolution from current uses to the proposed zone will require first the construction of the public framework; e.g. transportation, pedestrian amenities, public funding support of otherwise private development, and etc, with purely private development of apartment residential and ancillary commercial to follow.

The size of the subject site measured against the scale of allowable uses under the proposed AXZ zone underscores the need to investigate a series of transitional opportunities.

Transitional Uses:

It seems apparent that a transitional use is one that removes a current use which will not be appropriate under the proposed plan, while beginning to implement those uses which will be appropriate, on a gradual development basis. Specifically in this case to eliminate the parking use which will not be appropriate or even a permitted use; and to introduce pedestrian oriented uses at the property perimeter which will be appropriate and encouraged; and to support the transition with a primary use which involves a low capital expenditure and can respond to the state of maturity of the emerging AXZ zone as soon as appropriate.

A survey of the Permitted and the Conditional Uses under the Downtown Portland Proposed Development Regulations, reveals no particular use which could be considered to be a low capital expenditure use, all involving development of a structure which would have a use life of beyond 10-15 years, which can be considered to be a reasonable transition period. The applicant proposed use, a Carwash with gasoline sales facilities would meet the low capital expenditure criteria, additionally allowing ample site area for the introduction of pedestrian oriented facilities.

As soon as the proposed Downtown Development has matured to a certain degree, it will become more or less automatic that the emerging highest and best use will cause a further change to the appropriate use given the strategic location of the site and its property value, the change being facilitated by the lower dependence upon development cost ammortization.

VI. EFFECT OF THE PROPOSED USE UPON THE NEIGHBORHOOD

The development of the proposed use will effect the neighborhood in the following ways:

1. Operational
2. Experimental

The operational impact is manifested in such conditions as: traffic, noise, light, and etc., while the experimental factors are measured in quality of form, details, color, etc.

Operational: All development decisions will conform to the [illegible] of appropriate ordinances, codes, and regulations.

EFFECT OF THE PROPOSED USE UPON THE NEIGHBORHOOD
Operational (Cont'd)

Additionally, the proposal will observe the expected conditions of the Downtown Plan and the future AXZ zone in so far as can be currently determined, i.e. traffic will be restricted to Clay and 12th and prohibited from 11th.

Experimental: The proposed use is a structurally low intensity use with ample room for design latitude in buffers, screening, quality of form, materials, textures, and colors, etc.

BUREAU OF PLANNING
STAFF REPORT
JUNE 18, 1975

FILE NO:
APPLICANT:
D.P.R. REQUEST: DEVELOPMENT OF A CARWASH AND AUTOMOBILE FUEL SALES FACILITY AS AN INTERIM USE PENDING THE TRANSITION FROM CURRENT C2 TO AX ZONE, AND REMOVING THE CURRENT SURFACE PARKING LOT.
LOCATION: ONE HALF BLOCK ON THE NORTH SIDE OF S.W. CLAY STREET BETWEEN S.W. 11TH AND 12TH AVENUES.
LEGAL DESCRIPTION: LOTS 3-6, BLOCK 265, PORTLAND ADDITION
CODE CONSIDERATIONS:

3.42.135 Downtown Plan Review Item (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, and the downtown parking and circulation policy adopted February 26, 1975. 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 and parking policy then the proposed use shall be approved.

33.42.030 Limitations on Use (C2) Item (3)
Car washing by mechanical means shall be allowed only when:
A. Located on the same property and operated in combination with retail gasoline facilities,
B. Located within a building not more than fifty-six feet long, not more than twenty-five feet wide, and completely enclosed during operation except for driveway extrances and exits,
C. Located within a building which is sound insulated in such a manner as to at all times comply with subsection (a),
D. Located within a building not less than 10 feet from and with no driveway doorway oriented toward the side or rear lot line of any R or A Zone lot,
E. Operated only between seven thirty a.m. and nine thirty p.m.
F. All maneuvering of vehicles is accomplished on the property and no portion of any abutting street right-of-way is used for such purposes.

33.42.235 Automobile Service Station
(Added by Ordinance No. 134013, repealed by 134079; added by 139416 passed and effective February 5, 1975.) In considering a request for an automobile service station conditional use in a C2 zone, the planning commission shall determine that the location is appropriate considering public convenience, availability of other stations, existing traffic volumes and impact thereon, protection of neighboring uses, and other factors which the commission finds applicable.
Regulations for automobile service stations shall be:
(a) Lot size: (1) Maximum lot area shall be 40,000 square feet; (2) Maximum frontage on one street shall not exceed 200 linear feet;
(b) Screening required: (1) Screening shall be continuous along any portion of the site that abuts the side or rear of a lot in an R or A zone and shall meet the requirements of Section 33.82.020(b) (1) in the parking chapter of this title;
(c) Landscapin required: (1) Border planting, including shrubs and street frontages.

PREVIOUS PLANNING COMMISSION REVIEW

This development request was previously scheduled for Planning Commission review at its July 1, 1975, meeting. The Commission heard the applicant's presentation which included the assertion that the Planning Commission review should be limited to design and not to land use appropriateness.

The staff report, distributed in advance of the July 1, 1975, hearing, contained the statement that the Downtown Plan Review Ordinance abrogated development rights granted the applicant by an Ordinance passed by City Council in 1966. The applicant challenged this statement and pointed out that the Baker vs. Milwaukie court decision established that a Comprehensive Plan meeting LCDC requirements would have precedence over any zoning not reflecting the adopted plan, but further noted that Portland does not have a Comprehensive Plan meeting LCDC guidelines and that all existing zoning does therefore have standing.

The Commission asked that advice be obtained from the City Attorney on these questions. The City Attorney reviewed the various questions raised and concludes: (see attached City Attorney letter)

1. That the City does not have a comprehensive plan and the existing zoning does have standing;

2. That the Downtown Plan Review sections of the Zoning Code does not abrogate or supplant other regulations set forth in each use category but does provide for a conditional use type review on a case by case basis to make certain that the characteristics of a proposed use are compatible with neighboring development. Downtown Plan Review is intended to supplement existing zoning controls;

3. That because the development approved in 1966 has not been undertaken and moreover the proposed construction is significantly different than the approved apartment house--office--service station complex, the Service Station Ordinance and the Downtown Plan Review Ordinance are applicable in this case. The February 8, 1975 Service Station Ordinance requires that a permit to construct a service station can only be granted upon approval by the Planning Commission (or by City Council on an appeal) under a conditional use procedure.

Therefore, the staff has scheduled the August 5, 1975 hearing with the understanding that both a Conditional Use and a Downtown Plan Review evaluation will be made by the Planning Commission. The applicant's attorney has scheduled a July 24, 1975 meeting with the City Attorney to discuss further the legal aspects of this matter.

FINDINGS

1. Compatibility with Existing Neighborhood

The predominant land uses in the area surrounding the proposed project are housing and religious facilities. Over 300 apartment units are located within one block (see land use map Page 24) and the Old Church is directly east across SW 11th. The applicant's architect has developed a design intended to minimize the impact of the project on neighboring development by strategically located landscaping and berming. While such features will screen the facility at ground level, apartment occupants at higher levels will not be protected.

The Planning Commission recently concluded that the Livingston and Blayney (Development Regulations Consultant) recommendation to designate the southwest section of downtown for apartment zoning is appropriate in order (1) to provide protection to the existing housing development and (2) to encourage additional apartment construction in future years. The Planning Commission is considering a recommendation to allow up to 40% in commercial use within each apartment project as an incentive to attract housing development.

The proposed development would not accord with either existing or proposed development objectives for the area.

2. Adopted Downtown Plan Goals and Guidelines

The Downtown Plan specifically calls for the development of a strong housing district with associated residential supportive retail in this area. Uses incompatible with housing and neighborhood retail are to be minimized. Historic structures are to be protected from incompatible development. The proposed interim development is not consistent with these objectives.

3. Adopted Parking and Circulation Policy

The proposed project's entrance and exit on S.W. 12th Avenue is in conflict with the adopted Parking and Circulation Policy. That policy designates 12th Avenue as a "non-automobile or pedestrian oriented" street. The intent of that designation is to prevent auto-pedestrain conflicts by not permitting curb cuts to parking facilities on streets indicated for pedestrianway (sidewalk) improvements. This policy has equal validity regarding the undesirability of allowing curb-cuts for other auto generating activities on street designated for pedestrianway improvement. It should be pointed that a "non-automobile oriented" designation does not call for auto traffic exclusion, but does imply improvement to sidewalks.

All of the streets in this housing areas carry sizable volumes of vehicular traffic and pedestrian travel can be hazardous. After careful analysis S.W. 12th was selected from all of the streets in the area as the most appropriate north-south street for pedestrian-way or sidewalk improvements. S.W. 10th and 11th serve as a vehicular traffic souplet and S.W. 13th bordering the freeway carries direct freeway bound traffic.

The proposed project would also add to traffic volumes on S.W. Columbia (also a non-automobile oriented street). Most cars will wish to return to S.W. Clay Street after using the proposed facility, turning right from 12th to Columbia, right from Columbia to 11th, and right onto S.W. Clay.

CONCLUSION

Staff concludes that the proposed development of a carwash and automobile fuel sales facility does not meet the requirements of Item 3 of the Downtown Plan Review Ordinance nor the conditional use requirement that the protection of neighboring uses be assured. Such a use at this location would not accord with Downtown Goals and Guidelines, Parking and Circulation Policy and the predominant character of the neighborhood.

Development of a major auto-oriented facility with associated noise and increased traffic in the heart of the Apartment area would be detrimental to the stabilization and improvement of the existing residential neighborhood. Incentive programs are being considered which make feasible both construction of new housing and rehabilition of existing structures in this area. Existing uncertainties about the area's future would only be aggravated if the City zoned the area for predominantly apartment development and at the same time allowed construction of a new development of questionable compatibility.

APPLICABLE GOAL AND GUIDELINE STATEMENTS

Extracts from Downtown Plan Goals

Housing & Downtown Neighborhoods

GENERAL GOAL:

To give high priority to increasing the number of residential accomodations in the Downtown area for a mix of age and income groups, taking into consideration differing life styles; and to provide a "quality" environment in which people can live recognizing that residents of Downtown and adjacent areas are essential to the growth, stability and general health of a metropolitan city.

SPECIFIC GOALS:

2. Establish residential districts that reflect the desire for a strong residential base in the Downtown area. Concentrate housing in identifiable areas in which incompatible uses are minimized. (e.g. parking facilities, heavy traffic, noise-generating activities)

   h. Clean air and reasonable noise levels.

Historic Preservation

GENERAL GOAL:

Identify, preserve, protect and dramatize historic structures and locations within Downtown.

SPECIFIC GOALS:

a. Protect historic areas from incompatible development.

Commerce

SPECIFIC GOAL:

.. Encourage clusters of general and specialty retailing not only in the retail core, but also to support other areas such as Portland State University and residential areas.

Extracts from Planning Guidelines

Retail

10. Encourage commercial activities at street level in all buildings, including parking structures. Convenience retailing -- newsstands, candy shops, barber and beauty shops, restaurants and cafes, flower shops, etc. -- is recommended throughout Downtown in support of office and residential uses.

Housing

5. Specifically encourage the development of new housing units in the following locations:

   g. West of Tenth Avenue. This is an ideal location for Downtown housing. The area has many "soft" or vacant parcels, few incompatible uses, does not have a high density of vehicle traffic, is close to the retail core, and contains low and moderate-income housing which is in good condition or can be feasibly rehabilitated.

TRAFFIC FREE AREAS

Minimize vehicular traffic within all downtown areas and emphasize particularly the limitation or restriction of auto traffic in the following districts.

1. Retail Core
2. Waterfront Retail/Exhibition Center
3. Downtown Waterfront
4. Skidmore Fountain/Old Town
5. West of Waterfront
6. Government Center
7. Portland Center
8. South Waterfront
9. Portland State University
10. South Park Blocks
11. Residential neighborhoods west of 10th
12. North Park Blocks
13. Union Station/Railyards

EDESTRIAN CIRCULATION

1. Develop major pedestrianways in the following locations:

North-South Pedestrianways

e. Twelfth Avenue from Portland State University to housing areas west of Tenth Avenue.

MASS TRANSIT

3. Develop Twelfth Avenue as a combined two-way transit mall with widened sidewalks and provision for local traffic and loading.

DOWNTOWN PARKING AND CIRCULATION POLICY EXTRACTS
ADOPTED BY CITY COUNCIL, FEBRUARY 26, 1975

Section O. Traffic Access Streets

1. Traffic access streets are intentded to become the principal downtown routes for automobile traffic. Their primary function will be to provide direct and efficient access to parking, particularly to public-use, off-street parking.
2. Effective signing will be placed on these streets to direct traffic to public-use, off-street parking structures. The signing system will indicate when a parking structure is filled.
3. Service to traffic circulating within downtown is a secondary function of these streets.
4. Decisions on design treatment and traffic operations on traffic access streets will give preference to access traffic rather than to through traffic. Through traffic will be encouraged to bypass downtown as a matter of policy. In support of this policy it is intended that:
(a) The City will actively pursue a program of improvements for road connections outside downtown in order to reduce the need for through traffic to use downtown streets and (b) the downtown streets will not be improved in such a way as to increase through traffic. Through traffic is defined as that traffic in downtown which has both its origin and destination outside downtown.



EXHIBIT III

TRAFFIC ACCESS STREETS

Section P. Non-Automobile Oriented Streets

1. It is the intent of this policy to protect non-automobile oriented streets from further development of automobile-oriented facilities which require access to new parking. (Note: Ingress and Egress to any projects given prior approval by the City will not be nullified by this policy.)

2. Non-automobile oriented streets are those streets which may become public transit, pedestrian or bicycle routes in the future, subject to on-going public transit, pedestrianway and bicycle pathway planning and implementation. The actual design and future use of these streets, and the degree to which automobile traffic may be limited on them will be determined by future planning and design studies.

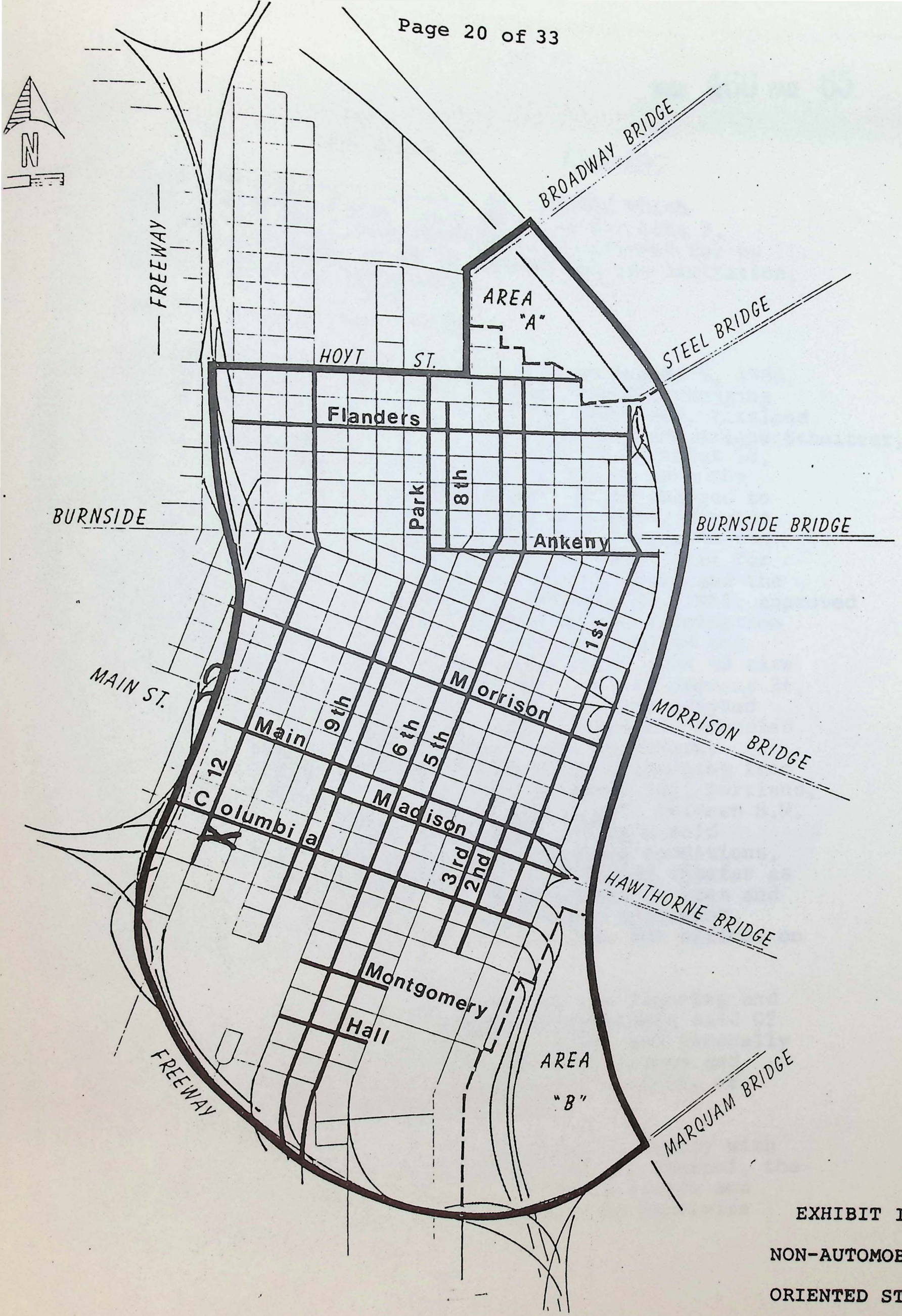


EXHIBIT IV

NON-AUTOMOBILE ORIENTED STREE

ORDINANCE NO. 121897

An Ordinance modifying Ordinance No. 118962 which granted a zone change from AO to C2 for Lots 3, 4, 5 and 6, Block 265, Portland, petitioned for by Harold Schnitzer, so as to change the use limitation, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that on August 5, 1964, Ordinance No. 118962 was passed by the Council, changing from Zone AO to C2, Lots 3, 4, 5 and 6, Block 265, Portland, at SW 11th and Clay, petitioned for by Harold and Arlene Schnitzer, under certain conditions, and under date of November 16, 1965, the said Harold Schnitzer petitioned to have the prescribed use of office buildings and stores changed to permit the construction of a 134-unit apartment, service station, restaurant, and rental area for offices, on the site, and to increase the permitted gross floor area for apartment use from 88,000 to 109,242 square feet, and the Planning Commission by report dated December 29, 1965, approved the modification insofar as it related to the elimination of restrictions on the types of C2 use, but denied the applicant's request to exceed the gross floor area to site area ratio for apartment use, and under date of January 26, 1966, the report of the Planning Commission was adopted after the applicant had agreed to the limitations embodied in the Planning Commission's report; now, therefore, Ordinance No. 118962, entitled "An Ordinance changing from Zone AO to Zone C2, Lots 3, 4, 5 and 6, Block 265, Portland, located on the north side of S.W. Clay Street, between S.W. 11th and S.W. 12th Avenues, petitioned for by Harold Schnitzer and Arlene Schnitzer, under certain conditions, and declaring an emergency," hereby is modified insofar as the conditions are concerned, so as to permit C2 uses and particularly the construction of a 134-unit apartment, service station, restaurant, and rental area for offices on the site.

Section 2. All the requirements of the Planning and Zoning Code applicable to the proposed use within said C2 zoning, the provisions of the Building Code, and generally all other applicable code and ordinance provisions and regulations of the City, whether presently existing or hereafter enacted, shall be complied with.

Section 3. In the event of a failure to comply with the terms and provisions herein stated, or any thereof, the Council may in its discretion repeal this ordinance and restore the property to its former zoning, or otherwise

rezone the same as it may determine. Petitioner shall file with the City Auditor, in form approved by the City Attorney, a document in writing, signed by Harold Schnitzer and Arlene Schnitzer, accepting the terms and conditions of this ordinance, and the City Auditor shall file such acceptance and a certified copy of this ordinance in the Multnomah County Deed Records, at the expense of petitioner. If both such signed acceptance and filing fee are not deposited with the City Auditor within 90 days after date of passage of this ordinance, then this ordinance shall have no further force and effect and shall be null and void.

Section 4. 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 there may be no unnecessary delay in the beneficial use of the above-described property; 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 FEB 9 1966

Terry D. Schrunk

Mayor of the City of Portland

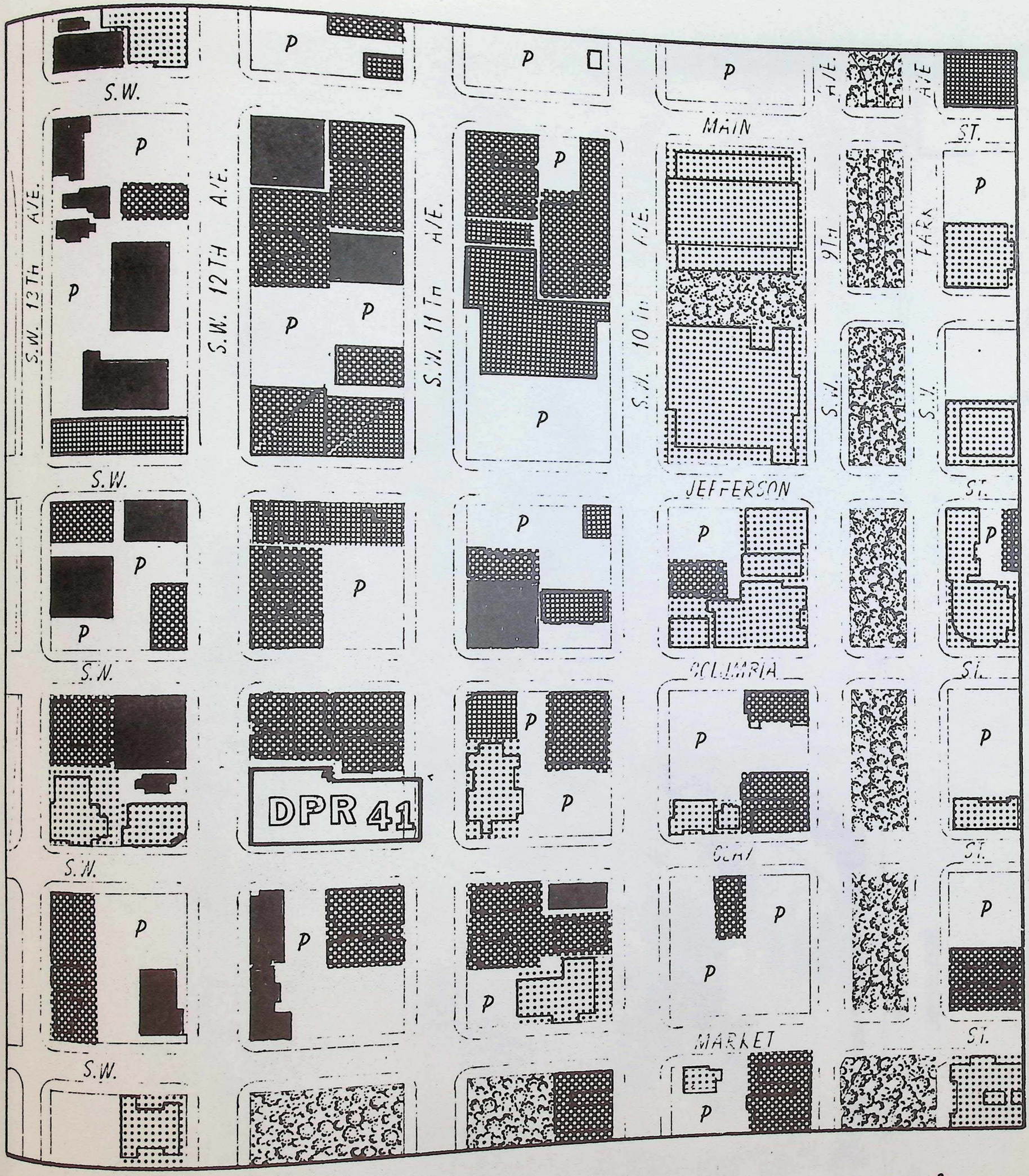
Attest:

Ray Smith

Auditor of the City of Portland

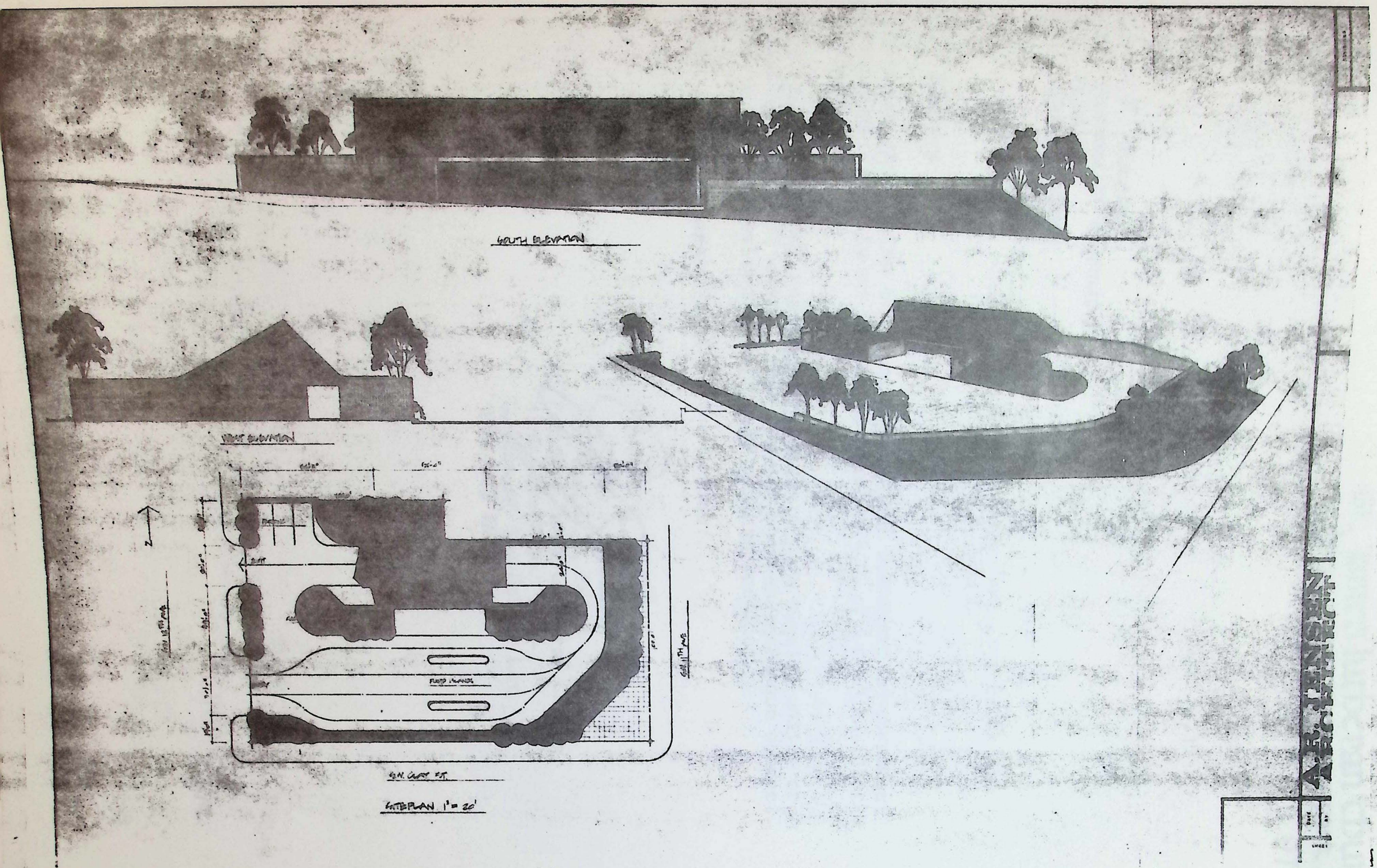
Order of Council
AGB:jw 2/1/66

(SEAL) DOCUMENT 6299 RECORDED FEB 15 1966 2:28 P. M SI COHN, County Clerk



DPR-41

- Open Space
- P Parking
- Housing
- Office
- Retail
- Public,-semi-public


SOUTH ELEVATION
WEST ELEVATION
SITEPLAN 1" = 20'
N

st. james lutheran church
1315 s.w. park ave.
portland, oregon 97201

June 24, 1975

Mr. Ernest R. Bonner
Director, Bureau of Planning
424 S.W. Main St.
Portland, Oregon 97204

Re: Carwash-Fuel Facility, Block 265
Lots 3,4,5, and 6

Dear Mr. Bonner:

We appreciate the desire of Harold and Arlene Schnitzer to construct a Carwash-Fuel Facility on Block 265; lots 3,4,5, and 6 as an interim use facility.

We would however prefer that consideration of new housing units, or commercial development which would provide more advantageous support services to nearby residents, be given to this location.

Therefore, we would speak against the request.

Sincerely,

The Rev. J.E. Smith
For St. James Lutheran Church
1315 S.W. Park
Owners of the Corner Lot
10th and Jefferson

RECEIVED
JUN 26 1975
Bureau of Planning

The Rev. Edward H. Rankin, Rector

St. Stephen's Episcopal Parish

1432 S.W. 13th Avenue
Portland, Oregon 97201
Telephone: 223-6424

RECEIVED
JUN 30 1975
Bureau of Planning

June 27, 1975

City of Portland
Department of Planning
City Hall
Portland, Oregon 97204

Dear Sirs:

On behalf of the vestry and parish of St. Stephen's Episcopal Church, which is located at SW 13th Avenue and Clay Street, Portland, I am expressing my concern for the interim use applied for by Harold and Arlene Schnitzer for Block 265, Lots 3, 4, 5, and 6, located on the north side of Clay Street between 11th and 12th Avenues. According to your notice of June 20, the Schnitzer's propose to use this property for a car wash and gasoline station.

Our paramount concern about this property is the aesthetic impact it will have on the neighborhood. The owners are clearly interested in having the facility visible from both Clay and Columbia Streets to attract rush hour traffic. There is not enough traffic along 12th Avenue, where the entrance and exit to the car wash are to be located, to make the operation commercially feasible.

We are also concerned about the impact the proposed facility will have upon the traffic patterns in the area. Both Clay and Columbia Streets connect directly with the Sunset Highway and, thus, are traversed primarily by through-traffic. The additional circulation on 11th, 12th and 13th Avenues that this facility will engender will increase mixing of traffic at different speeds, and thus increase the amount of acceleration, deceleration, and minor collisions that are likely to occur. It primarily during the acceleration cycle that loud noises are generated.

The Rev. Edward H. Rankin, Rector

St. Stephen's Episcopal Parish

1432 S.W. 13th Avenue
Portland, Oregon 97201
Telephone: 223-6424

St. Stephen's is only one of several churches in the immediate vicinity of the proposed facility. In addition to the normal Sunday morning services, St. Stephen's conducts services on Wednesday and Thursday noon, and on Friday morning on a regular basis, and has other services scheduled on religious feast and fast days. The distinctive operating noises of a car wash would be very disruptive of the church's activities.

Finally, we fear that the establishment of a car wash in this neighborhood would be but the "nose of the camel in the tent." The neighborhood presently is predominantly residential, with some small offices and buildings used by students from nearby Portland State University. Introduction of an automobile-related retail commercial activity into this mix of uses might upset the delicate balance that now exists and begin to change the character of the neighborhood completely.

We urge rejection of this proposed interim use.

Very truly yours,

Edward H. Rankin

Edward H. Rankin
Rector

EHR:cp

CITY OF PORTLAND

INTER-OFFICE CORRESPONDENCE

(NOT FOR MAILING)

July 1, 1975

From Bureau of Traffic Engineering

To Bureau of Planning, Ernest Bonner, Director

Addressed to Rod O'Hiser

Subject DPR 41, DPR 42, DPR 43

We have reviewed DPR 41, a proposal to construct a car wash at S. W. 12th and Clay Streets. It is our feeling that this type of land use, because of traffic generation, would create problems if located in this generally residential area.

We estimate that on the average the facility will generate 300 to 400 vehicular trips into the facility and 300 to 400 trips out of the facility per day.

A high percentage of exiting vehicles will be required to circulate through the area in order to continue their trip.

Our experience in other areas has shown that traffic crossing the driveways and circulating through the neighborhood will be of concern and cause of complaint by adjacent residents.

We have reviewed DPR 42, Rhodes Parking, and DPR 43, Evans Products and have no objection to them.

I will be available in my office during the Planning Commission meeting if the Commission has questions or would like further comment.

D. E. Bergstrom

DEB:es

CITY OF PORTLAND

INTER-OFFICE CORRESPONDENCE

(NOT FOR MAILING)

July 2, 1975

om DEPT. OF PUBLIC UTILITIES, WATER ENGINEERS

BUREAU OF PLANNING

ddressed to RODNEY O'HISER

bject DOWNTOWN PLAN REVIEW FILE NOS. 41, 42, AND 43

Subject applications have been reviewed by the City of Portland, Bureau of Water Works. The Bureau has no objections regarding same.

Robert C. Bitten, P.E.
Chief Engineer

P. Norseth, P.E.
Assistant Chief Engineer

MJW:nb
Encl.

DEPARTMENT
JUL 7 1975

THE CITY OF
PORTLAND
OREGON

BUREAU OF
POLICE

NEIL GOLDSCHMIDT
MAYOR

B. R. BAKER
CHIEF OF POLICE

222 S.W. PINE
PORTLAND, OR. 97204

RECEIVED
JUL 2 1975
Portland
Bureau of Planning

July 1, 1975

Rodney O'Hiser, Senior Planner
Bureau of Planning
424 SW. Main Street
Portland, Oregon 97204

Dear Mr. O'Hiser:

The information you sent to the Planning and Research Division of the Portland Police Bureau regarding the three downtown plan requests was forwarded to the Commanding Officers of Central Precinct. They considered the proposals in light of the impact such a development would make on the Police Bureau. The ability of the police to provide any additional services that might be required was also evaluated.

As per our phone conversation, this letter is to confirm the opinion that there are no objections or major concerns at this time.

Thank you for keeping us informed and we would appreciate the same consideration in future planning.

Respectfully,

W. E. Richardson

Lt. W. E. Richardson
via S. Stevenson

SMS/dll

223-74-75

THE CITY OF PORTLAND OREGON

OFFICE OF
CITY ATTORNEY

JOHN W. OSBURN
CITY ATTORNEY

1220 S.W. FIFTH AVE.
PORTLAND, OR. 97204
503/248-4047

RECEIVED
JUL 15 1975
City of Portland
Bureau of Planning

July 14, 1975

Mr. Ernest R. Bonner, Director
Bureau of Planning
424 S.W. Main Street
Portland, Oregon 97204

Dear Mr. Bonner:

Your letter of July 3, 1975 requesting our opinion as to certain aspects of an application for development of a car wash and automobile fuel sales facility on S.W. Clay between S.W. 11th and 12th (Downtown Plan Review, Case No. 41) has been referred to me for reply. Your questions fall into two basic categories: (1) the status of Downtown Plan Review provisions in the city code such as those contained in Section 33.42.135; and (2) whether an ordinance passed in 1966 had the effect of giving the applicants an absolute right to construct a car wash and automobile fuel sales facility regardless of subsequent changes in the law.

Senate Bill 100 requires that by January 1, 1976, cities adopt comprehensive plans which conform with LCDC goals and guidelines. As defined by Senate Bill 100, "comprehensive plan" means:

> "[A] generalized, coordinated land use map and policy statement of the governing body of a state agency, city, county or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs. 'Comprehensive' means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered

> by the plan. 'General nature' means a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity, or use. A plan is 'coordinated' when the needs of all levels of governments, semi-public and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. 'Land' includes water, both surface and subsurface, and the air." (emphasis supplied).

It is clear that under that definition, the Downtown Plan planning guidelines do not constitute a comprehensive plan.

As for the case of Baker v. City of Milwaukie, that case neither requires the adoption of a comprehensive plan nor purports to define the point at which a policy statement attains the status of a comprehensive plan. Baker simply holds that if a city has adopted a comprehensive plan (which, in that case, Milwaukie had clearly done), its ordinances must be brought in line with that plan.

However, the fact that the planning guidelines do not constitute a comprehensive plan within the terms of Senate Bill 100 does not mean that provisions such as Section 33.42.135 are of no effect. They are requirements, adopted by the Council pursuant to the police power, which must be met in addition to the other requirements of the underlying zone. Such sections in no way abrogate other sections of the individual chapters, but simply impose additional requirements.

Second, it is our opinion that the applicants have no "prior right" to construct the proposed facility on the site in question without complying with current regulations. There are two reasons for this conclusion. First, the complex which was approved by the 1966 ordinance appears to have been substantially different from the use which is now proposed by the applicants. Second, even if the 1966 ordinance could be read to permit the construction of a car wash and automobile fuel sales facility rather than the complex which was originally approved, the law has now been changed. Service stations are now conditional uses in a C2 Zone, and development within the downtown area is now subject to the Downtown Plan Review process. It is our understanding that

the applicants had not taken any substantial steps toward construction of the proposed facility prior to the adoption of those changes. It is settled law in Oregon that in order to establish a nonconforming use, and thereby be insulated from the effect of subsequent changes in the law, it is necessary that the landowner secure a building permit and make substantial progress on his project. Twin Rocks Watseco Defense Comm. v. Sheets, 15 Or. App. 445, 516 P2d 472 (1973) Sup. Ct. review denied (1974). Since the applicants did not establish a valid nonconforming use under the prior law, they had no right to rely on its staying in that form, and they are fully subject to the present provisions.

I hope this answers your questions satisfactorily. If you have any further questions, please let me know.

Very truly yours,

WAYNE D. LANDSVERK
Deputy City Attorney

WDL:at
cc: Rod O'Hiser
Don Mazziotti
Mike Harrison

DPR-44
TWO-STORY RETAIL FACILITY AND SUBLEVEL PARKING
S.W. FOURTH AVENUE BETWEEN STARK AND WASHINGTON STREETS
FARWEST SAVINGS AND LOAN

TABLE OF CONTENTS

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   . Previous Planning Commission Action. 16

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5. Letters from agencies and interested parties 25

PORTLAND CITY PLANNING COMMISSION

APPLICATION FOR DOWNTOWN PLAN REVIEW
(to be filled out in duplicate)

I hereby apply for Downtown Plan Review for: (describe fully) A new two-story retail facility (25,000 sq.ft.) with 1 level of basement parking (63 spaces). A 300,000 sq.ft. office tower will be built in the future.

On property described as: LOT(S) 1, 2, 3 and 4

BLOCK 64 ADDITION City of Portland

which is located at S.W. 4th Ave. between Stark and Washington Streets

~~(cross streets)~~ in Zone C-1

I agree to furnish three copies of a site plan drawing showing exact dimensions and arrangement of the proposed development and any other drawings, topographic surveys, photographs or other material essential to the understanding of the proposed use and its relationship to surrounding properties as may be required by the Planning Commission.

DEEDHOLDER(S)
(signatures must appear)

FAR WEST FEDERAL SAVINGS AND LOAN ASSOCIATION

By: W. Hamilton Jr. Sr. Vice President

~~Husband and Wife~~ (Harper Hamilton

Far West Federal Savings,

444 S.W. Fifth Avenue, Portland, Or. 97204
Address and Phone Number 224-4444

CONTRACT PURCHASER(S) (if any)
(signatures must appear)

Husband and Wife

Address and Phone Number

OPTIONAL PURCHASER OR RENTER (if any)
(signatures must appear)

Husband and Wife

Address and Phone Number

D.P.R. File No: 44

Quarter Section:

FA

SITE AND DEVELOPMENT CHARACTERISTICS

	EXISTING		PROPOSED (1st Phase)	
	Area		Area	
Site	30,000 sq.ft.		30,000 sq.ft.	
Housing	*	Units	-	Units
Retail	-		25,150 sq.ft.	
Office	38,380 sq.ft.		38,380 exst.	
Industrial	-		-	
Open Space	2,300 sq.ft.		9,900 sq.ft.	
Parking		Spaces		Spaces
Curb		Unknown		Unknown
Short-term	-		-	
Long-term	-		25,000	63

*Note prior agreement re: 19 units previously demolished.

APPLICANT'S STATEMENT OF PROJECT CONFORMANCE TO ADOPTED DOWNTOWN PLAN GOALS AND GUIDELINES AND OTHER GOVERNMENTAL POLICIES.

Far West Federal Savings' present proposal is part of a two-phase program for development that provides for Far West's corporate needs while following the goals and guidelines of the Downtown Plan. The initial phase will help to strengthen a retail core connected with the Transit Mall and providing a pleasant shopping environment. The later construction of the office tower will provide office space conveniently adjacent to the Transit Mall and the retail core. This office will strengthen downtown's role as an important administrative and financial center for the metropolitan region, and, in particular, fit within the proposed high density linear concentration of offices along the Transit Mall.

The relation of the project to the proposed Development Regulations is covered in a separate memorandum.

PROPOSED DEVELOPMENT REGULATIONS REVIEW
FOR
FAR WEST FEDERAL SAVINGS 4th & WASHINGTON PROJECT

ROJECT DESCRIPTION: East half of block and southwest 1/4 of block bounded by Stark and Washington Streets, and 4th and 5th Avenues (30,000 sq.ft.).

st Phase:	Gross square feet above grade:	25,150 new + 38,380 exist. = 63,530 sq.ft.
	Gross square feet below grade:	25,000 sq.ft.
	Height:	38'-0" (plaza and mezzanine levels plus basement)
	Uses:	Retail and restaurant/bar (25,150 sq.ft.)
Tower Phase:	Gross square feet above grade:	339,373 new + 38,380 exist. = 377,753 sq.ft. total
	Gross square feet below grade:	25,000 sq.ft.
	Height:	370'-0" (plaza and mezzanine levels plus basement)+ 23 ofc. floors
	Uses:	Offices (291,000 sq.ft.); Retail (24,000 sq.ft.)

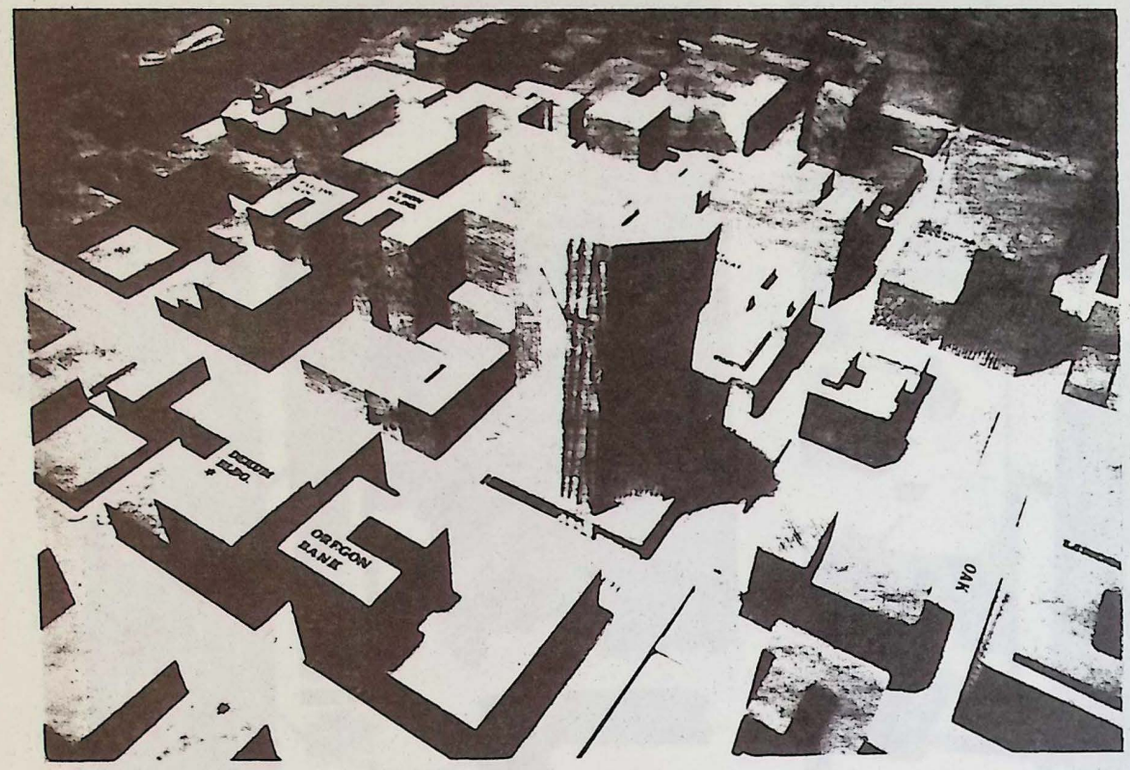
(O) POTENTIAL NON-COMPLIANCE
(○) NON-COMPLIANCE

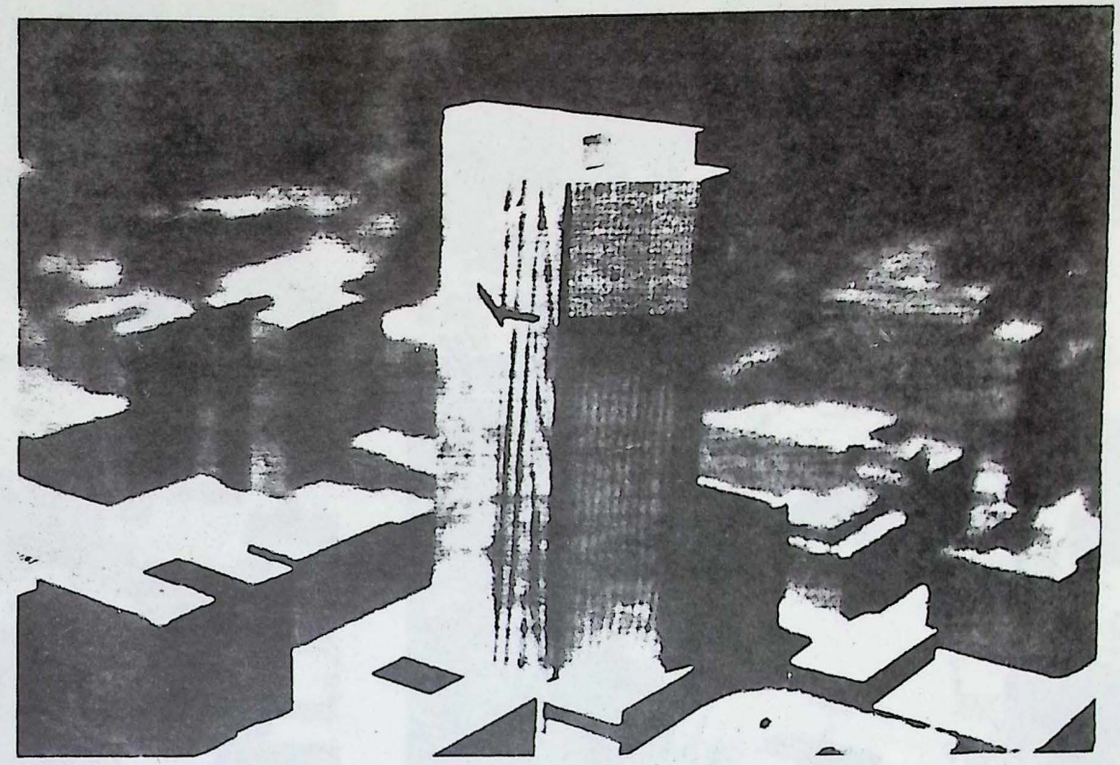
REGULATION	4th Ave. PROJECT	
CX ZONE		
33.44.040 - Uses permitted - offices, banks, shops, restaurants, etc.	1st Ph. - shops restaurants, possible savings vault in basement 2nd Ph. - offices (rental and Far West)	
33.44.070 - off-street loading may be required for buildings over 40,000 sq.ft. (as a result of Design Review)	Small loading dock provided (under-sized by code) 1st Ph. - 25,000 g.s.f. commercial 2nd Ph. - 24,000 g.s.f. commercial and 291,100 g.s.f. office	○
33.56.090 - Maximum building dimensions above 150' height: (1) Max. dim. of single building face parallel to street = 170'	1st Ph. - Not applicable 2nd Ph. - (1) Dimension of west face - 183' for typical ofc. fl. 189' for top 6 fls. & mech.	O
(2) Max. diagonal = 200'	(2) Max. diagonal = 193'-0"	

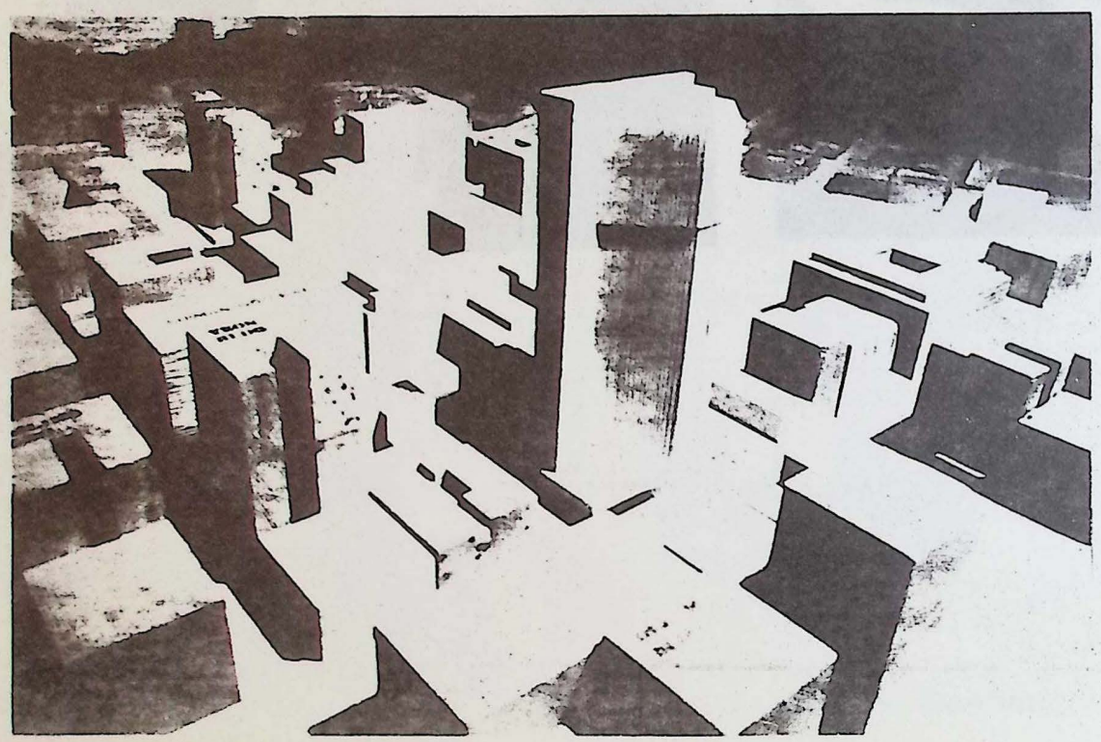
GULATION	4th AVE. PROJECT	(O) POTENTIAL NON-COMPLIANCE ( ) NON-COMPLIANCE
ZONE (Cont'd)		
.56.100 - Max. parking allowed: Office or retail 1 space/1000 sq.ft. Parking is a conditional use.	1st Ph. - 63,530 sq.ft. 63 spaces Private parking facility 2nd Ph. - 57 spaces Private parking facility	Conditional use approval needed.
.56.110 - Prohibited parking access 5th Ave.	Loading and parking access only on Stark Street.	
3.56.120 - Conditional parking access - Washington Street		
33.44.120(1) - For non-residential uses, a yard at least 20 feet in depth shall be provided above a height of 75'.	1st Ph. - Parapet wall - 38'-0" at Gills 2nd Ph. - Parapet wall - 370'-0" at Gills - built to property line.	O
33.44.120 - Signs	No signs designed at this time.	
DESIGN ZONE		
33.56.050 - Max. building height - 350'	1st Ph. - 38'-0" 2nd Ph. - 370'-0"	2nd Ph. not within limits, but see 33.56.080.
33.56.060 - Max. floor area ratio 12:1, includes contiguous parcels if on same block (allowable 360,000 sq.ft.).	1st Ph. - 54,000 sq.ft. includes exist. building. 2nd Ph. 377,753 sq.ft. includes exist. building.	2nd Ph. not within limits, but see 33.56.080.
33.56.080 - Transfer of permitted fl. area - with Planning Commission approval, excess allowable F.A.R. may be transferred from historic sites to other specific sites.	Far West proposes to transfer 18,159 sq.ft. of excess F.A.R. at the Commonwealth Bldg. site to the 4th Ave. site. Total allowed: 378,159 sq.ft. The transfer also permits a 6.05% increase in height by the proposed formulas: $\frac{18,159 \text{ sq.ft. transferred}}{30,000 \text{ sq.ft. site area}} = .6053$ increase in F.A.R.	Within limits with transfer from Commonwealth Bldg.

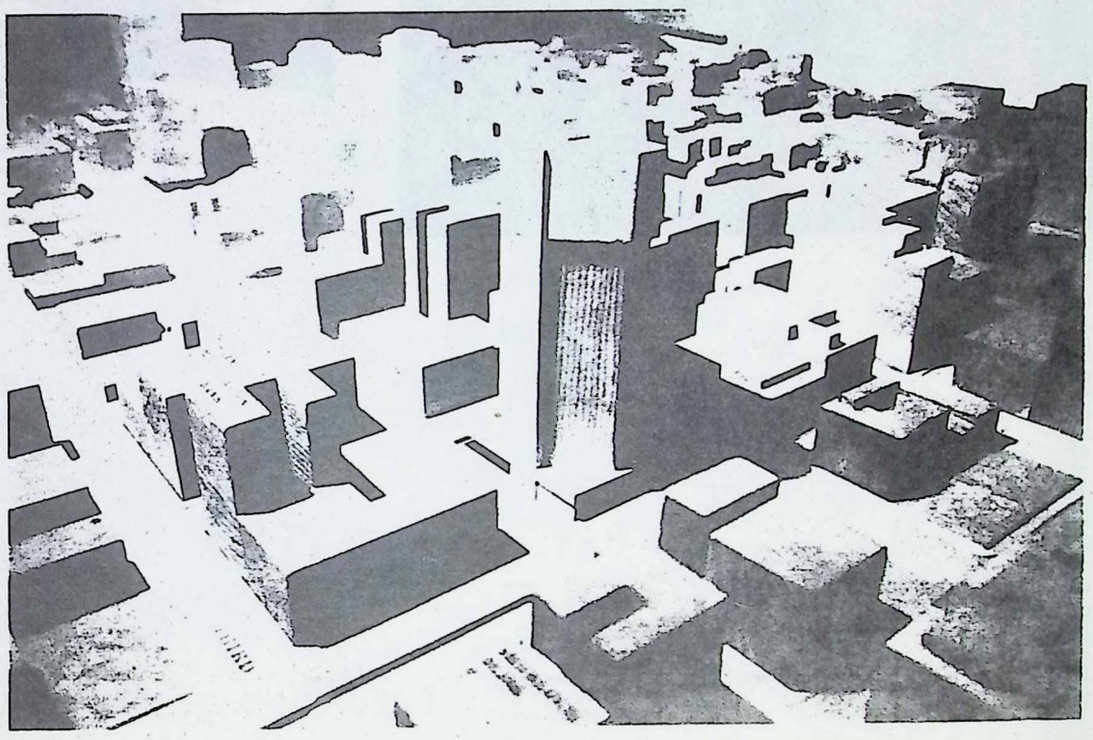
GULATION	4th AVE. PROJECT	(O) POTENTIAL NON-COMPLIANCE (O) NON-COMPLIANCE
SIGN ZONE (Cont'd)		
.56.080 (Cont'd)	1% height increase permitted for each 0.1 F.A.R. transferred or 6.05% increase new height 371.1'.	
.56.140 - Required building lines - new nstruction shall extend to the property ine along 75% of the street frontage along ashington St. and 4th Ave. Min. vertical imension of street frontage construction is 0'. Plazas not complying with this standard ıay be approved through the design review rocess.	400 ft. of lot lines. 100 ft. within 3 feet of lot line and parallel to lot line = 25% 240 ft. within 10 ft. of lot line and parallel to lot line = 60%	O
33.56.150 - Required retail activity - 60% of ground floor area of south 1/2 of block must be retail or eating and drinking establishments (savings and loans not included).	Exist. bldg. (non-retail): 7,720 New retail at grade: 11,500 19,220 $\frac{11,500}{19,220}$ = .5989; or 60% retail for 3/4 block site. In addition, there are 12,000 sq.ft. of restaurant / bar on the mezzanine.	
33.56.160 - Limitation on blank walls - at least 50% of building wall shall be windows, display boxes, lobbies, etc.	Approx. 390 feet of bldg. face at grade, of which about 300 feet is glass (75%).	
33.56.170 - Rain protection required on Washington St. and 4th Ave. bldg. faces.	None provided on 4th Ave. - interior passage through block open during shop and restaurant hours - allows passage from Washington to Stark Sts. or to mid-block on 4th Ave. In addition, rain protection is provided at all hours along edge of plaza on Washington St.	O

MODEL PHOTOS OF PROPOSED PROJECT TAKEN JULY 10, 1975









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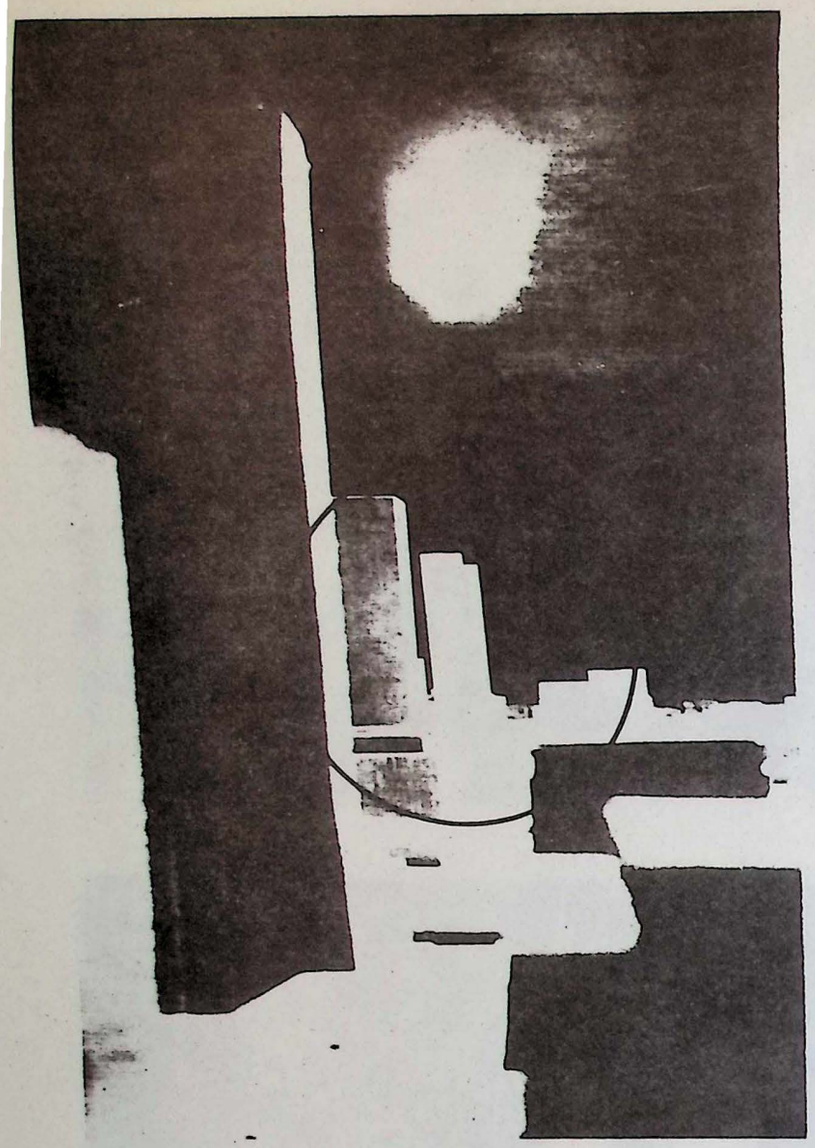

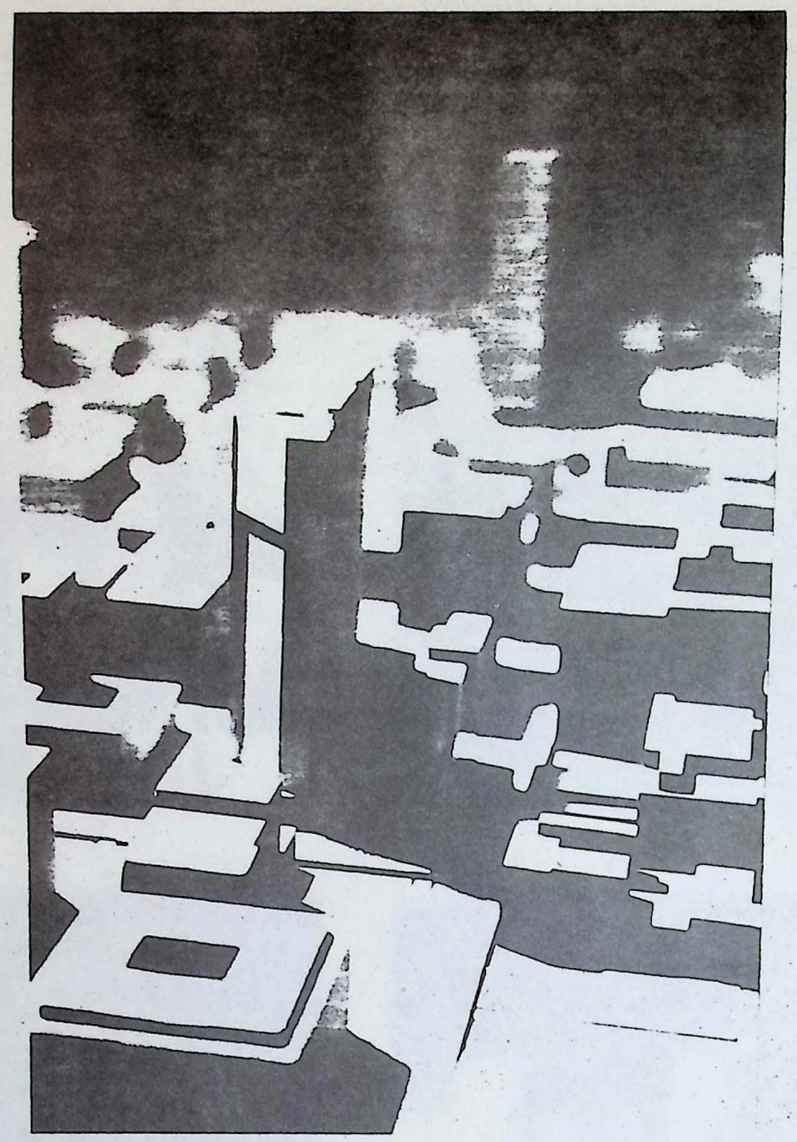

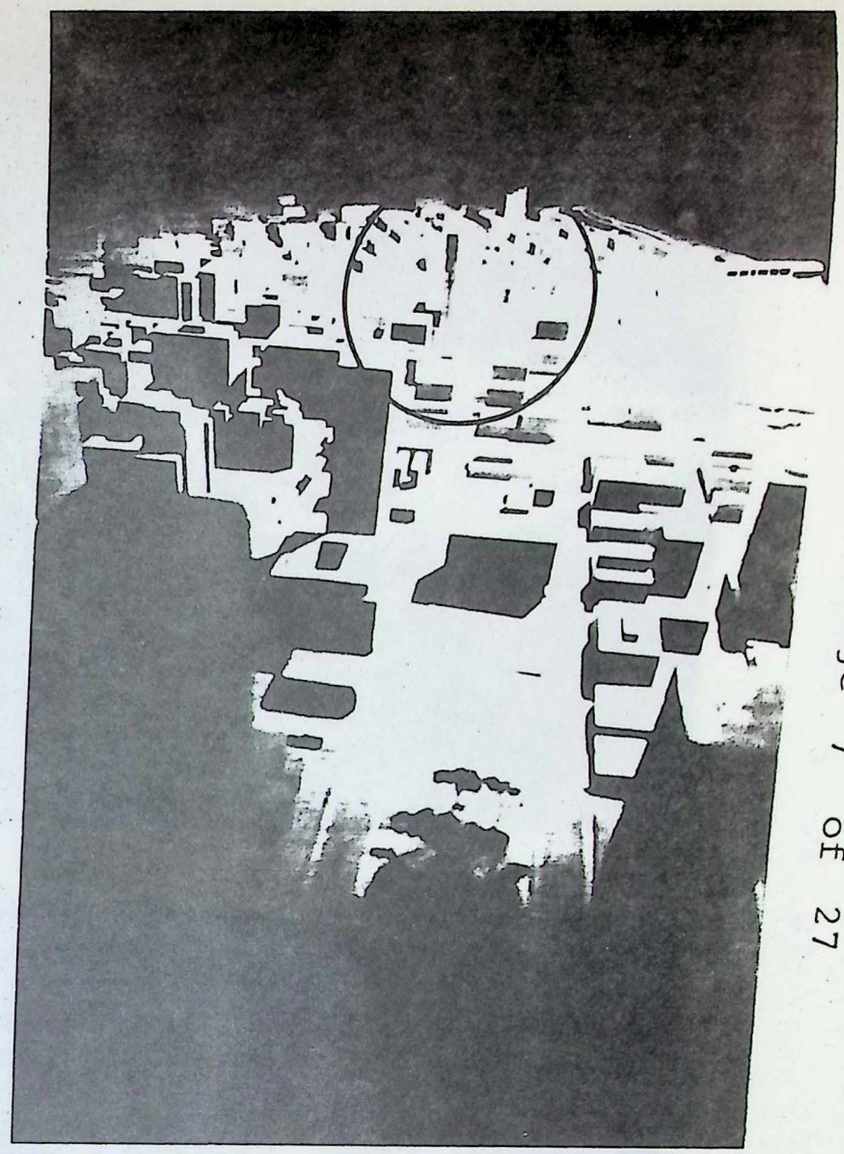

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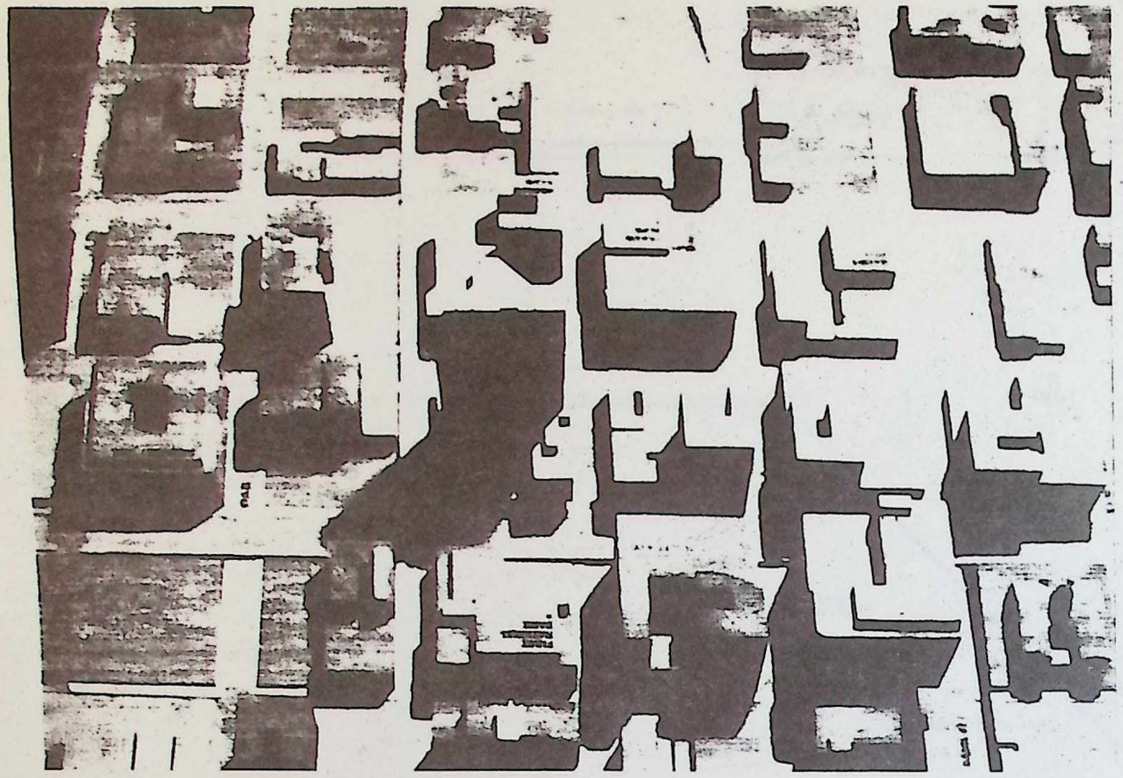
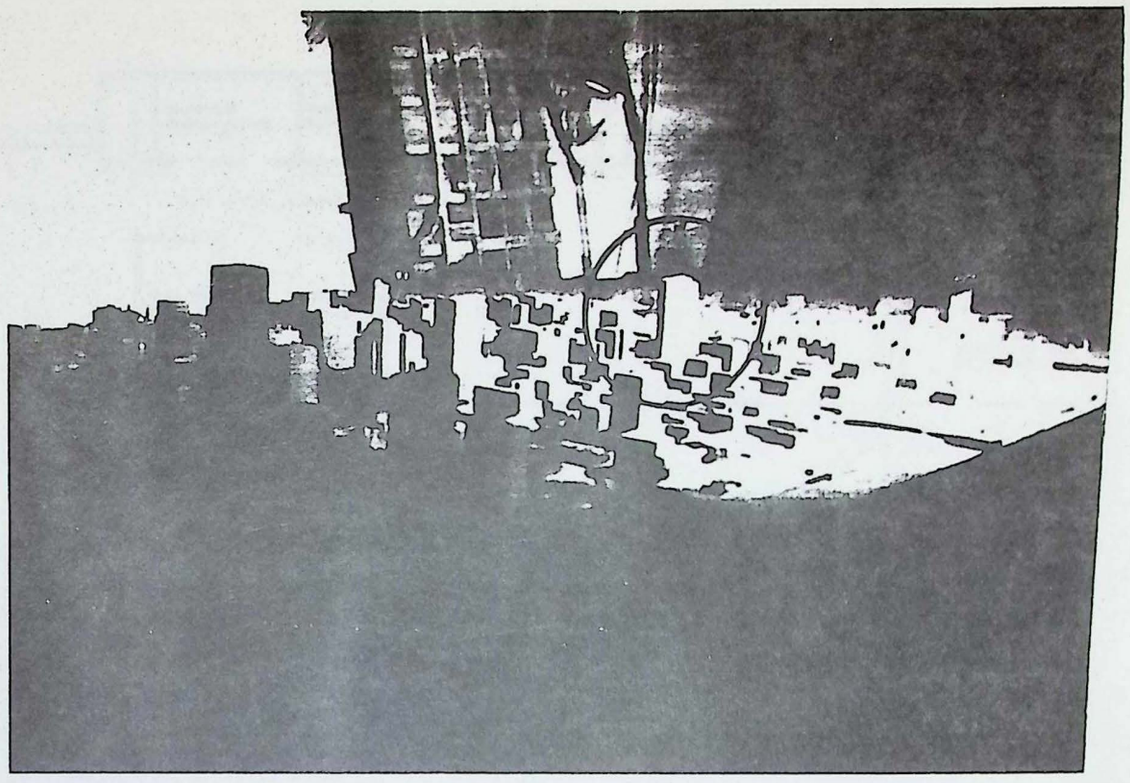
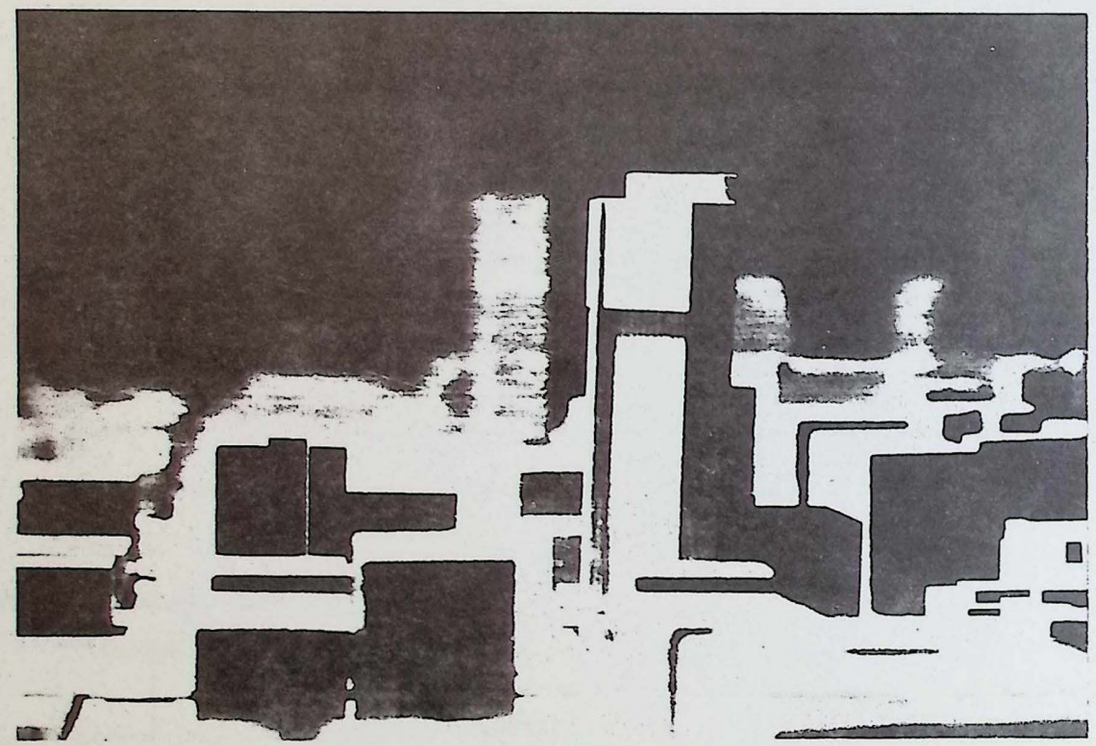
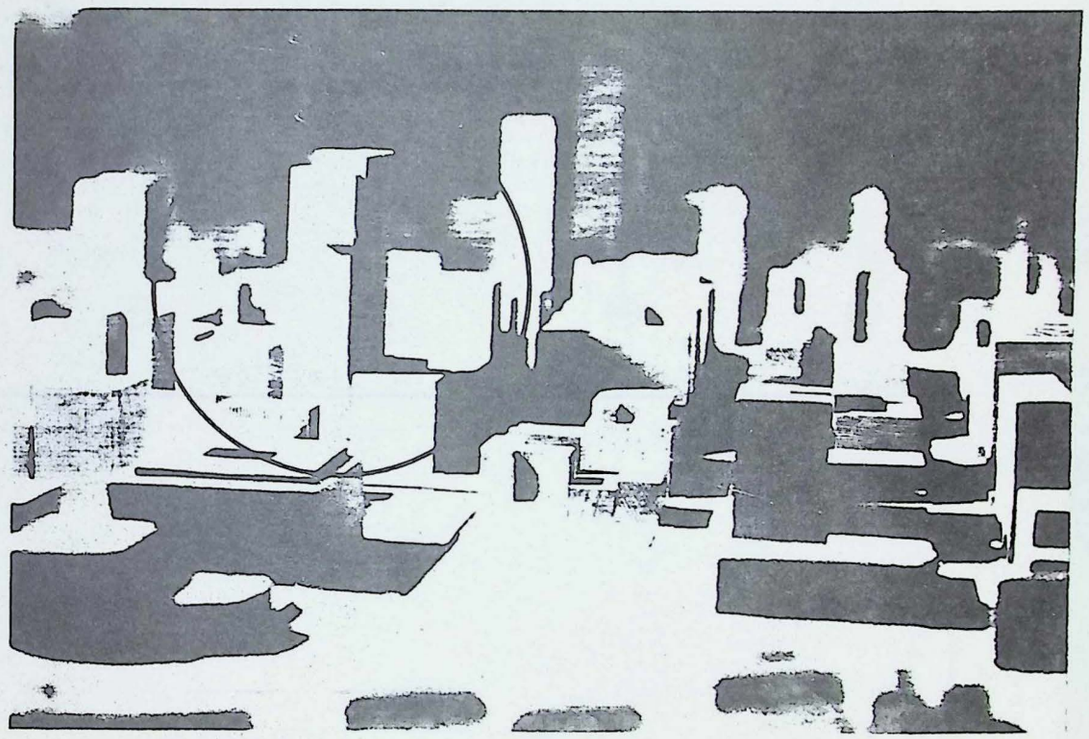
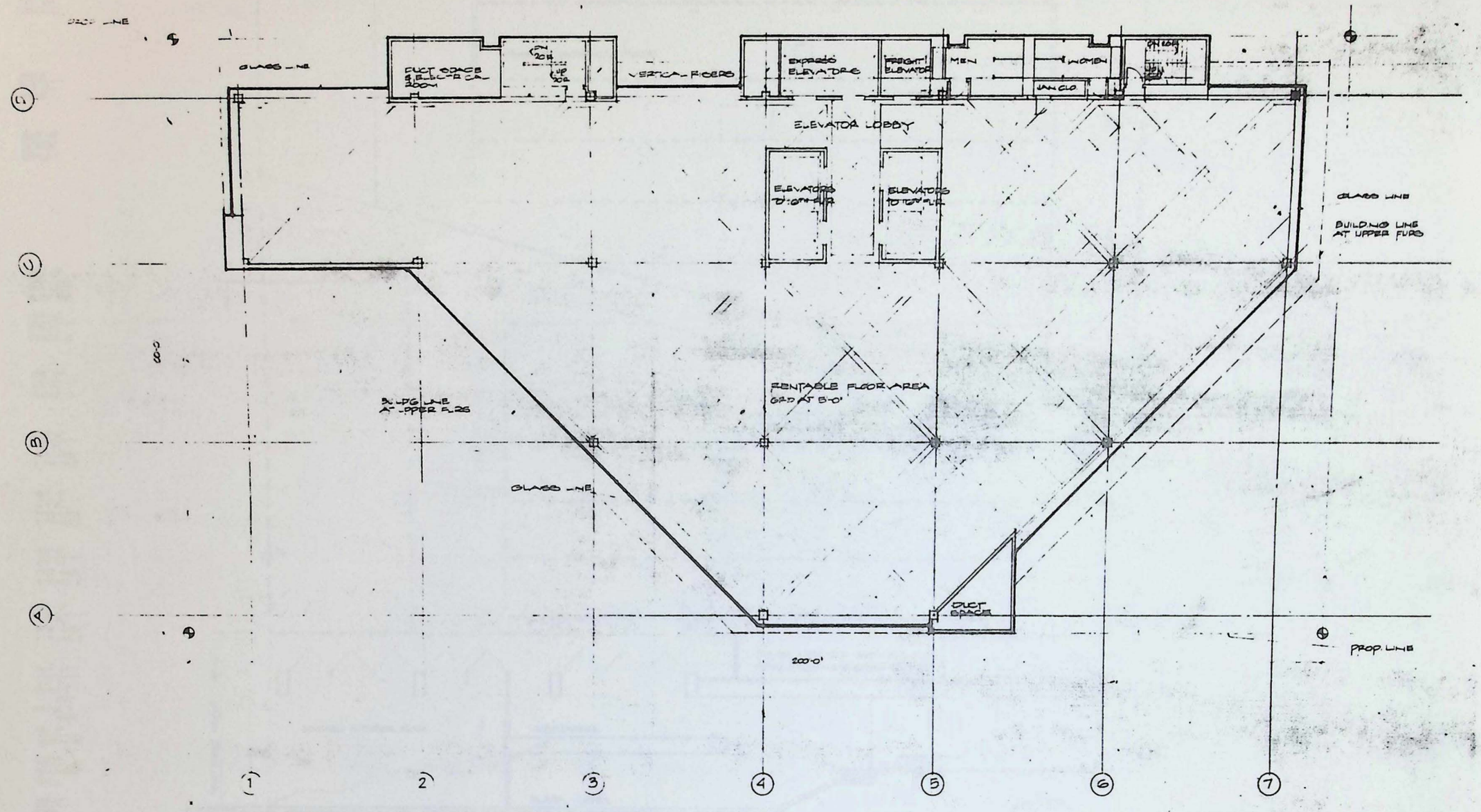






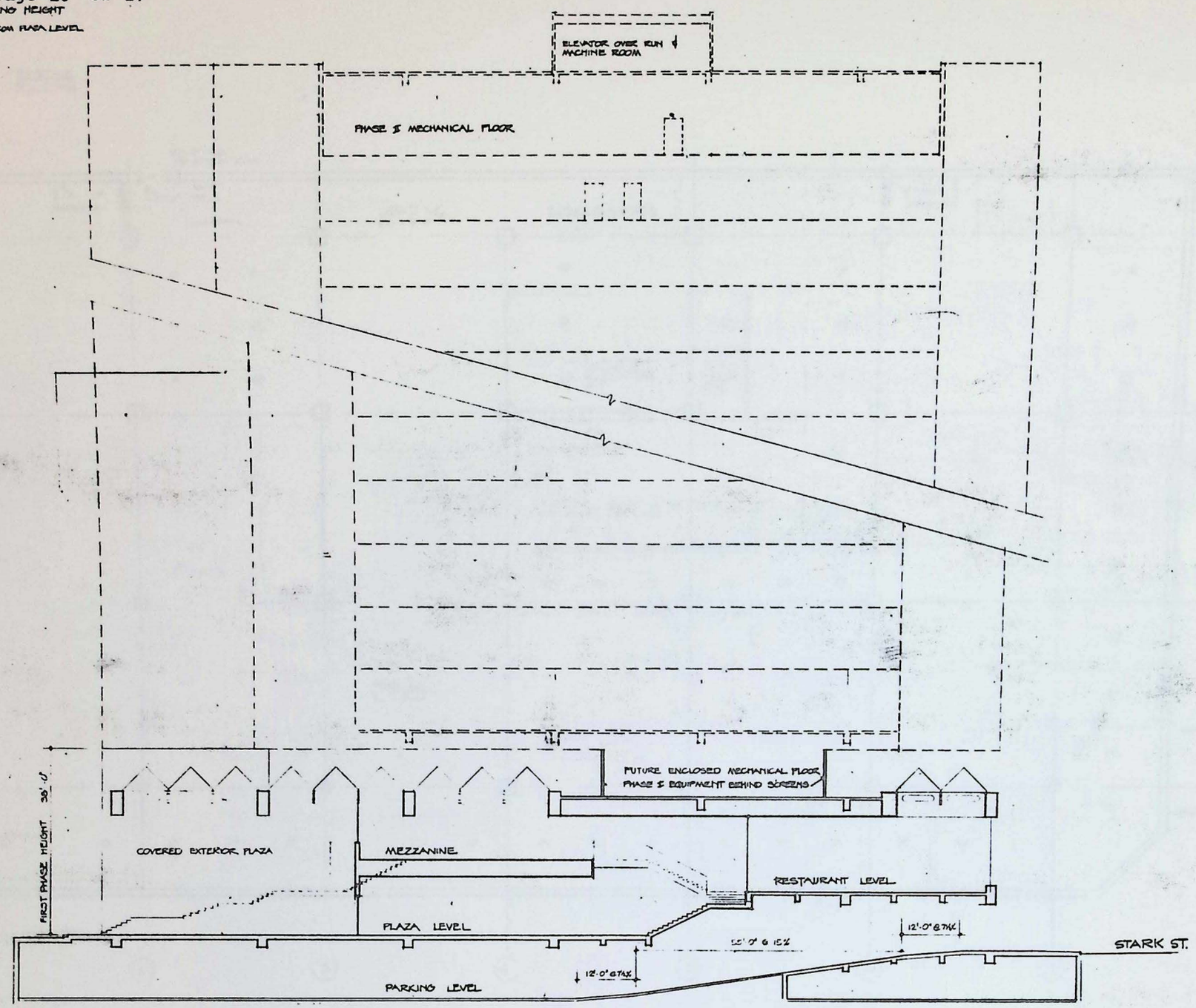




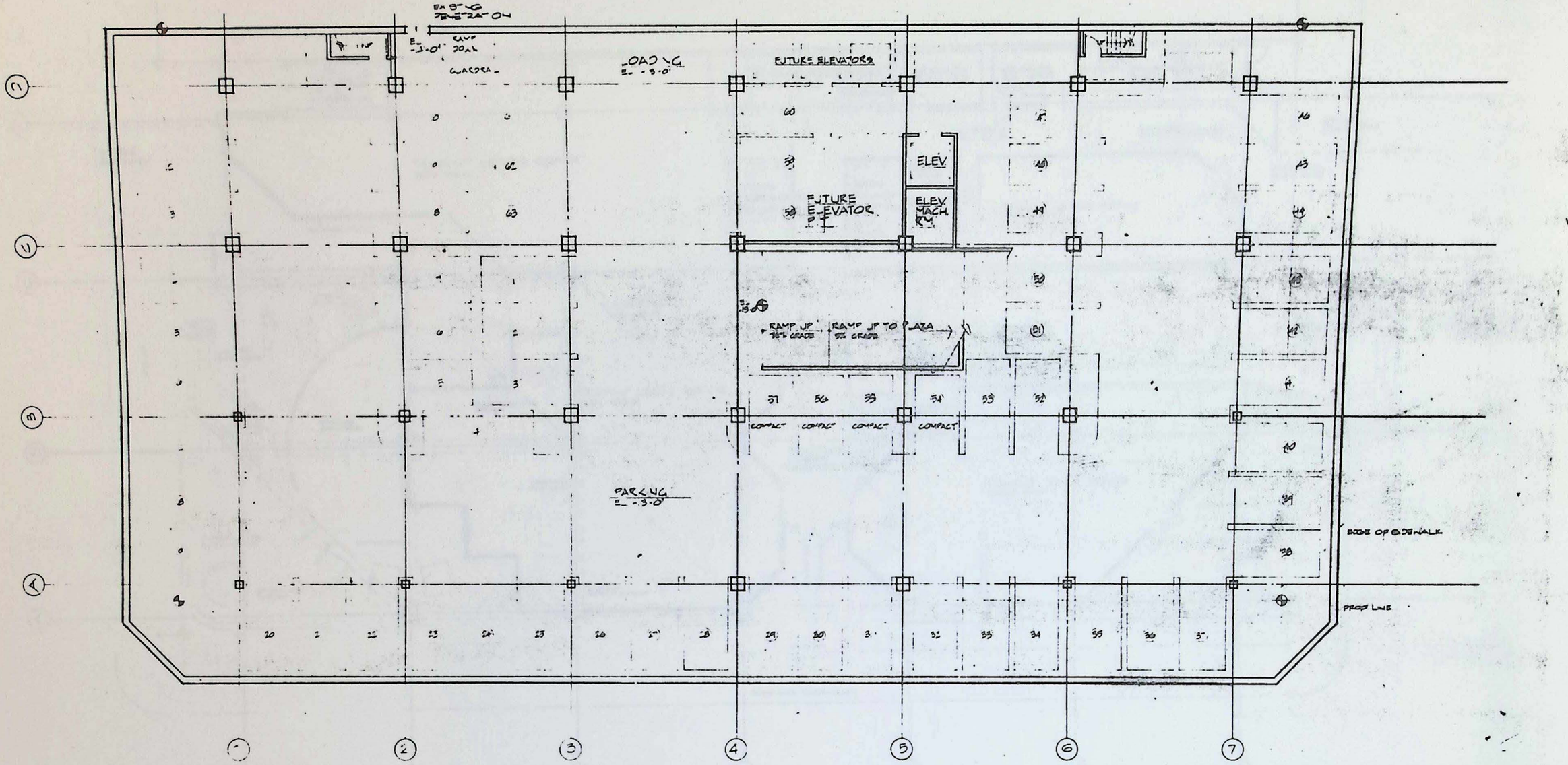
TYPICAL FLOOR PLAN 1/4"=1'-0"

470'-0" TOP OF ELEV RM.
460'-0" TOP OF BUILDING
442'-0" 27th FL MECH.
429'-6" 26th FL OFFICES
215'-0" FAR WEST ELEV. RM.
194'-6" 9th FL PHASE II
182'-0" 8th FL PHASE I
179'-6" 7th FL FAR WEST & PHASE II
167'-0" 6th FL FAR WEST & PHASE II
154'-6" 5th FL FAR WEST & PHASE II
142'-0" 4th FL FAR WEST & PHASE II
128'-6" 3rd FL PHASE I ROOF PHASE II RECR.
115'-6" MEZZANINE
109'-0" RESTAURANT LEVEL
100'-0" PLAZA LEVEL
87'-0" PARKING LEVEL

TOTAL BUILDING HEIGHT
370'-0" FROM PLAZA LEVEL



NORTH-SOUTH SECTION LOOKING WEST 1/8"=1'-0"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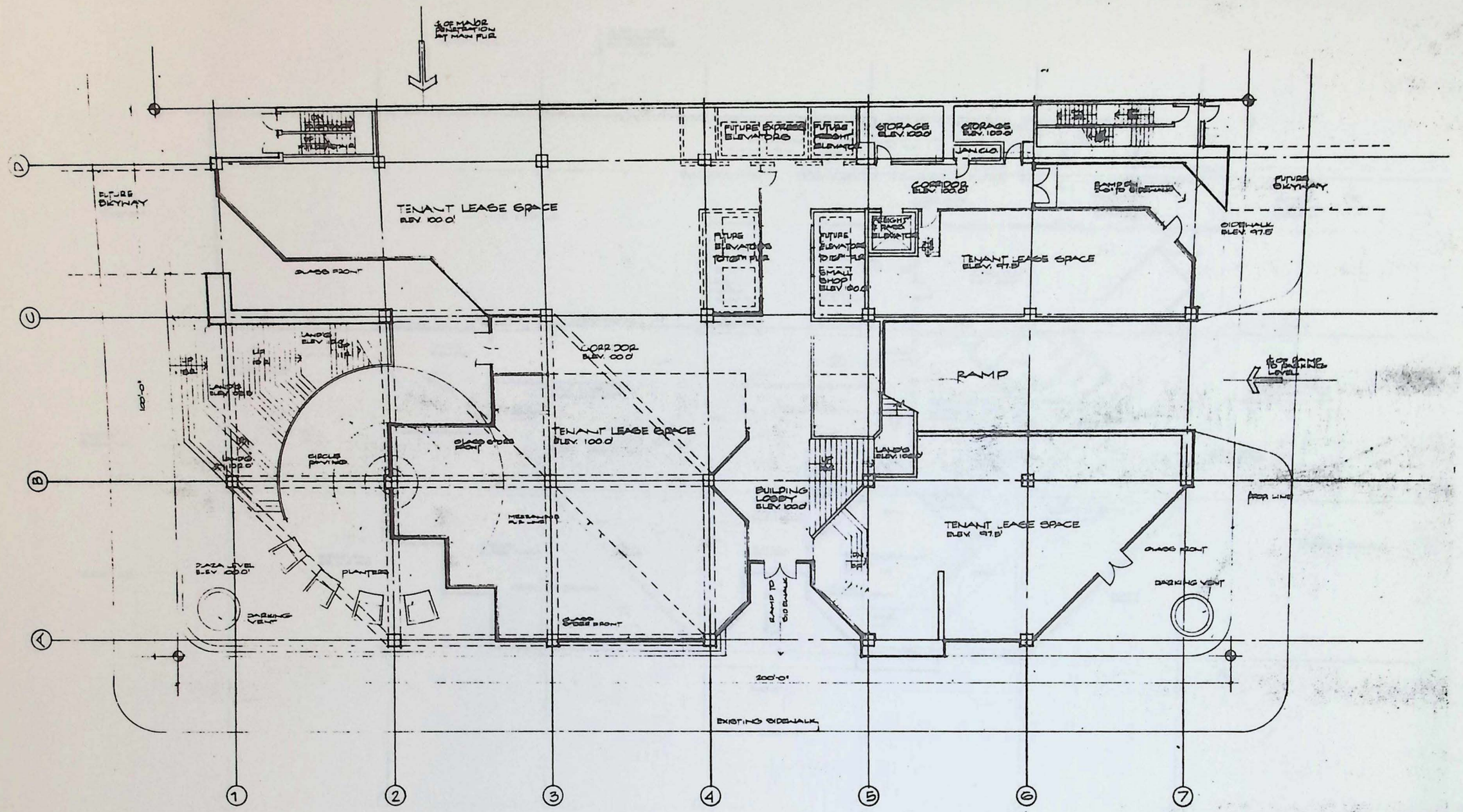
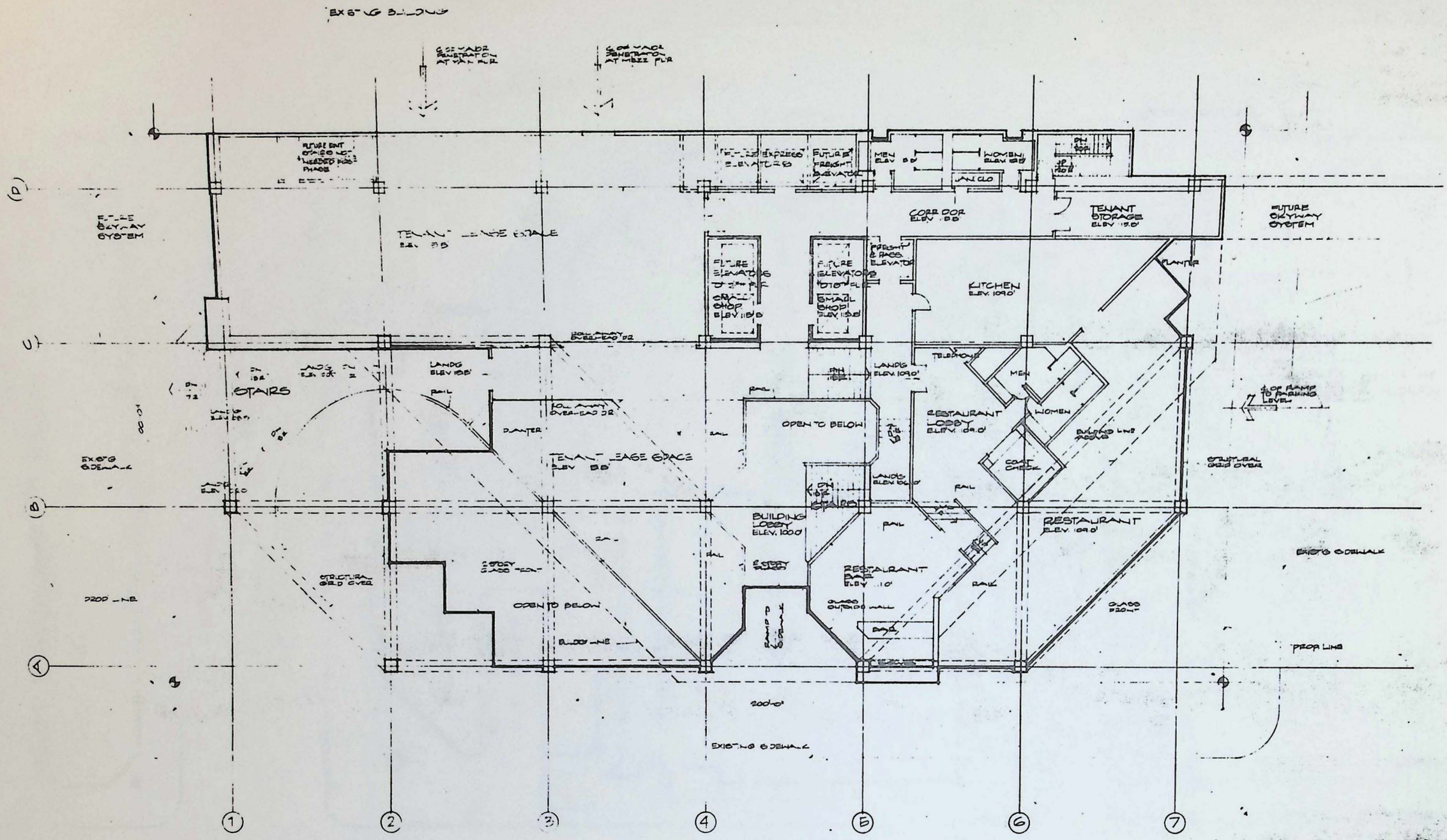
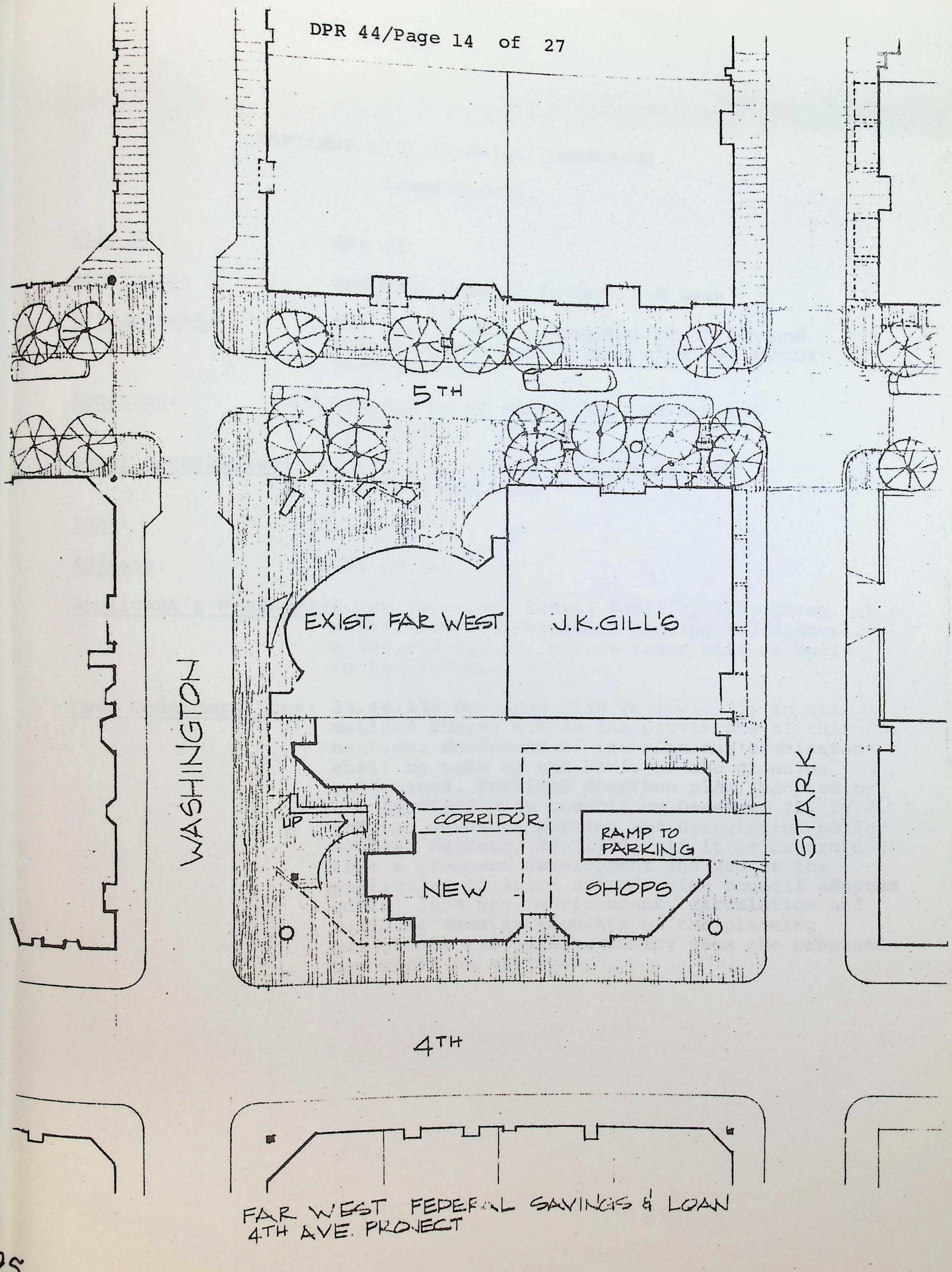


PLAZA FLOOR PLAN 1/8"=1'-0"



MEZZANINE FLOOR PLAN 1/4"=1'-0"


5TH
EXIST. FAR WEST
J.K.GILL'S
WASHINGTON
UP
CORRIDOR
RAMP TO PARKING
NEW
SHOPS
STARK
4TH
FAR WEST FEDERAL SAVINGS & LOAN
4TH AVE. PROJECT

PORTLAND CITY PLANNING COMMISSION

STAFF REPORT

File No: DPR 44

Applicant: Far West Federal Savings and Loan

DPR Request: One half block development of office and retail space, public open area and subsurface parking.

Location: Bounded by SW Washington, SW 4th and SW Stark

Legal Description: Lots 1, 2, 3, and 4, Block 64, Portland Addition

Zone: C1

Address: 501 SW 4th

Applicant's Proposal: A new two-story retail facility (25,000 sq. ft.) with 1 level of basement parking (63 spaces). A 300,000 sq. ft. office tower will be built in the future.

Code Considerations: 33.44.135 Downtown plan review. (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, and the downtown parking and circulation policy adopted February 26, 1975. 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 and parking policy then the proposed use shall be approved.

Previous Planning Commission Action: On March 5, 1974 the Commission granted approval of a previous request to construct a 7 story office building with 75 sublevel parking spaces.

1. That the applicant submit detailed plans of the proposed project to the Design Committee of the City Planning Commission for their design approval on the following items:

   Building materials and details
   Design of open spaces, landscaping, exterior paving materials, street furniture and pedestrian facilities
   Design and placement of signs and on-site auto and truck traffic control devices
   Driveway entrance details to below-grade parking garage

2. That the applicant submit a letter confirming its willingness to support the development of at least 19 housing units in a Public Interest Lenders Program involving apartment housing, if organized in a Downtown Riverfront/North of Burnside Renewal Program or in any joint venture proposed to provide housing through a non-profit organization (e.g., church or other appropriate sponsoring organization).

On April 29, 1974 the applicant submitted a letter which fulfilled condition #2 (see enclosed letters).

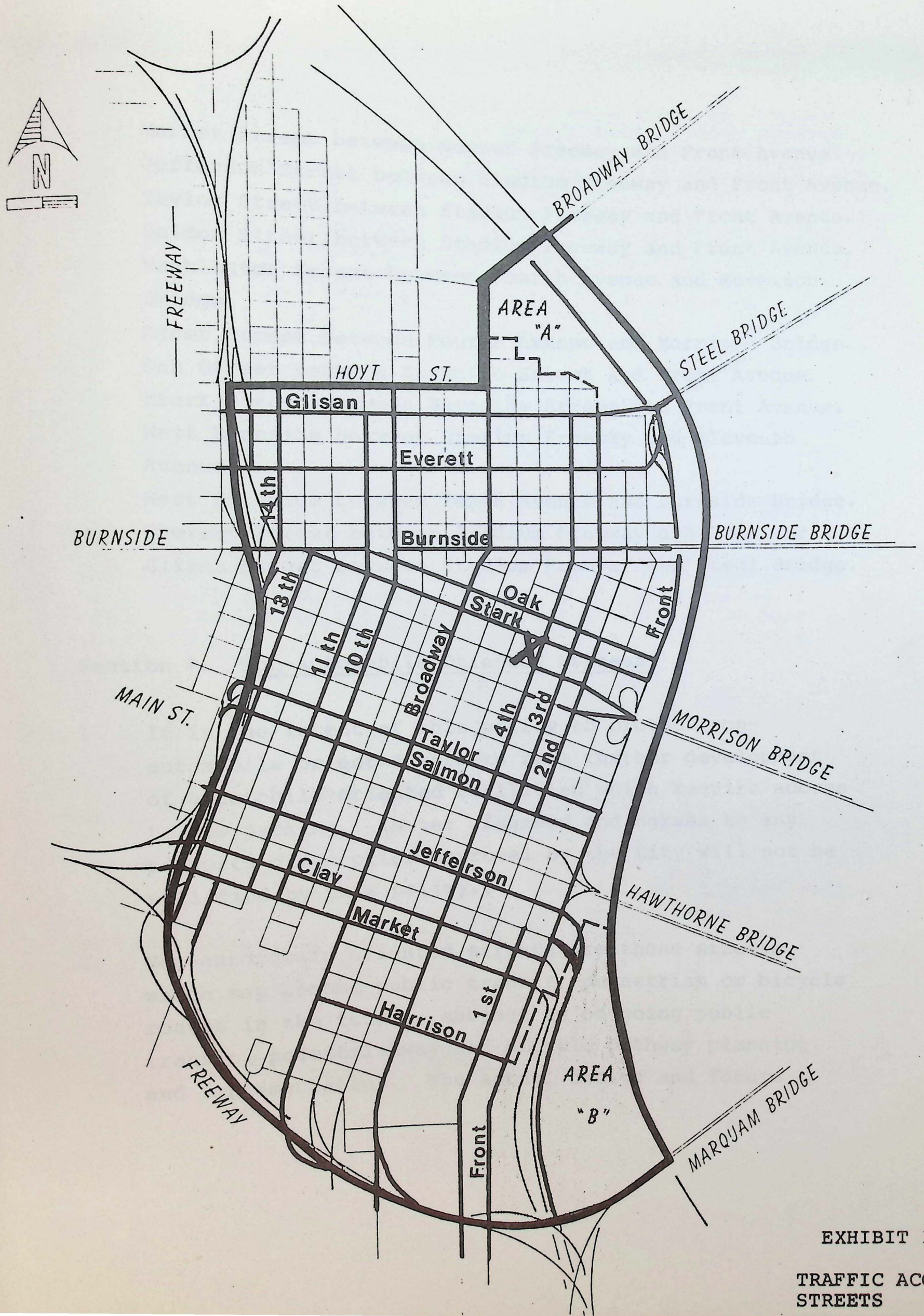


EXHIBIT III

TRAFFIC ACCESS
STREETS

Market Street between Sunset Freeway and Front Avenue.
Jefferson Street between Stadium Freeway and Front Avenue.
Taylor Street between Stadium Freeway and Front Avenue.
Salmon Street between Stadium Freeway and Front Avenue.
Washington Street between Fourth Avenue and Morrison Bridge.
Alder Street between Fourth Avenue and Morrison Bridge.
Oak Street between Burnside Street and Front Avenue.
Stark Street between Burnside Street and Front Avenue.
West Burnside between Stadium Freeway and Eleventh Avenue.
West Burnside between Tenth Avenue and Burnside Bridge.
Everett Street between Stadium Freeway and Steel Bridge.
Glisan Street between Stadium Freeway and Steel Bridge.

Section P. Non-Automobile Oriented Streets

1. It is the intent of this policy to protect non-automobile oriented streets from further development of automobile-oriented facilities which require access to new parking. (Note: Ingress and Egress to any projects given prior approval by the City will not be nullified by this policy.)

2. Non-automobile oriented streets are those streets which may become public transit, pedestrian or bicycle routes in the future, subject to on-going public transit, pedestrianway and bicycle pathway planning and implementation. The actual design and future

PRELIMINARY FINDINGS

Land Use

The proposed two level retail facility is consistent with downtown planning objectives to encourage the development of such uses between the retail core and the waterfront. The office development planned for a latter stage is consistent with the policy to develop higher office densities in close proximity to the 5th/6th Transit Mall which is only 1/2 block from the site. However a detailed analysis must be conducted to determine how well the office configuration conforms with the Livingston & Blayney proposed regulations now being reviewed by the Commission and whether the impact of the tower on neighboring property would be satisfactory.

Parking and Circulation

Access to the sublevel parking facility is appropriately planned at SW Stark Street which is identified as a traffic access street in the Downtown Parking and Circulation Policy.

The 63 off-strret parking spaces proposed exceeds by 38, the maximum allowable by the Downtown Parking and Circulation Policy for the 25,000 sq. ft. retail facility but would be well within the allowable for the entire new complex when constructed. The applicant has asked that the square footage of the abutting Far West Federal Savings and Loan be included for purposes of calculating maximum allowable parking. If this were done the proposed parking facility is consistent with the Parking and Circulation Policy. Also, the new facility has 12 fewer spaces than the previously approved 75 space garage.

Open Space

The proposal as submitted includes a significant amount of open space and in general fulfills several adopted goal and guideline statements. However, these directives suggest inclusion of several design features in open space areas. Care should be taken to assure their design compatibility with surrounding areas and furnishings.

This objective is especially important because the proposed complex will be located in close proximity to the 5th/6th Transit Mall a half block to the west. Special care should be taken that features of these two projects are harmonious and both achieve design excellence.

Following are applicable goal and guideline statements:

P.7 GENERAL GOAL

Enhance Downtown's role as leading center for retail goods and consumer services. Provide an atmosphere conducive to investment.

SPECIFIC GOALS

A. Maintain a compact retail core.

B. Encourage retail use of ground-level space, including shops and restaurants on first floors of office buildings. Keep parking and other non-retail uses from breaking up the sidewalk retail frontage.

D. Encourage development of specialty shops and restaurants in the direction of the waterfront to generate activity and pedestrian flow toward the river.

P.20 PLANNING GUIDELINES

1. Strengthen the Downtown retail core by concentrating retail uses, providing convenient, close-in shopper parking and improved public transit, and by creating a pleasant pedestrian environment.

2. Encourage expansion of the retail core in the direction of the waterfront by development of tourist-oriented retailing there.

10. Encourage commercial activities at street level in all buildings, including parking structures. Convenience retailing -- newsstands, candy shops, barber and beauty shops, restaurants and cafes, flower shops, etc. -- is recommended throughout Downtown in support of office and residential uses.

H. *Establish height and bulk limitations in the context of a building's immediate environment. Careful consideration should be given to the cost of providing utilities and services and the capacity of the transportation system which serves it to accommodate a given density.*

P. 19 *PLANNING GUIDELINES*

1. *Develop a high-density linear concentration of office extending from Burnside to Market between Fourth and Broadway, oriented to the north-south transit malls.*

P.20

6. *Encourage retail and service commercial activities at the ground level of office buildings, especially in the retail core and along the high density corridor. No other commercial activities will be permitted without specific approval of the Planning Commission.*

P.7 *SPECIFIC GOALS*

E2. *Creates a pleasant shopping environment in the retail core, utilizing widened an- covered walkways and/or malls, special lighting and landscaping. Special attention should be given to providing protection from Portland's rainy weather.*

F. *Provide facilities for shoppers: street furniture meeting rooms, places to sit, to rest, to wait, to observe; shoppers' lockers, day care facilities, bicycle storage, and public rest rooms.*

P.16

C. Encourage at the street level pedestrian-oriented spaces and activities such as plazas, retailing, restaurants, etc.

P.17

B. Make better use of street rights-of-way for open space where appropriate and utilize rooftop open space.

F. Permit active uses in open spaces, e.g. cafes, kiosks, vending stands, and entertainment.

H. Provide facilities for people--public restrooms, outdoor furniture, protection from the elements.

P.18

4. Give careful consideration to design of street furniture, planting, signing and lighting.

P.20 PLANNING GUIDELINES

7. Through incentives, encourage building designs at pedestrian levels which provide more public open space such as arcades, covered walkways and plazas.

P.26

2. Make use of the visual image elements, i.e. pedestrian lighting, landscaping, signs and graphics, street furnishings and street design, in a design review procedure for all new development.

4. Develop a coordinated design of street furniture elements for all of Downtown, but with special consideration for imageable districts.

5. Develop and adopt sign and graphic standards for Downtown.

P.11 LONG RANGE GOAL

E2. Height of development should be stepped down from the core to the river.

3. Standards for the height and bulk of buildings and the provision of open space should encourage variety of design.

10.

P.29 PLANNING GUIDELINES

1. Permit tallest buildings in a corridor extending generally from Market to Burnside between Fourth and Broadway. Encourage uses with the greatest densities of people in this corridor. Support this corridor with improved mass transit service.

P.15 SPECIFIC GOALS

E. Establish a public parking policy to:

1. Develop an identifiable system of parking Downtown which will best serve all Downtown activities.

a. Redistribute parking facilities to locations which will best serve recommended land uses in Downtown and relate to the circulation and transit systems to be developed.

b. Provide parking facilities for automobiles appropriate for both long- and short-term parking in conjunction with good pedestrian and transit access to the rest of Downtown.

P.28

Much of the existing parking Downtown is disorganized and inconvenient. The Plan reorganizes parking by providing an understandable system which relates to selected access points and traffic streets and distinguishes between short-term (shopper) parking and long-term (employee) parking.

P.7 SPECIFIC GOALS:

E. Create a system of pedestrianways which:

1. Connects the retail core with the waterfront, offices, residential areas, and parking facilities.

2. Creates a pleasant shopping environment in the retail core, utilizing widened and covered walkways and/or malls, special lighting and landscaping. Special attention should be given to providing protection from Portland's rainy weather.

3. Reduces stress by eliminating pedestrian/vehicle conflicts. Alteration of store loading schedules and/or locations may be necessary.

P.14

B. Give maximum accommodation to walking in the core.

1. Reduce air and noise pollution and pedestrian-vehicle conflicts to provide a healthier, more pleasant atmosphere for walking.

2. In recognition of Portland's rainy weather, covered walkways, malls and other appropriate pedestrianways should be developed to serve the entire core area and to link open spaces and parks.

Maximum Parking-Space Ratios for Parking Spaces in Private-Use Parking Structures

Development Type	Spaces per 1,000 square feet of Gross Floor Area, or per Habitable Unit
Residential	1.00 per Dwelling Unit
Hotel	1.00 per Rentable Unit
Retail	1.00 per 1,000 sq. ft.
Office	1.00 per 1,000 sq. ft.
Medical	1.50 " " " "
Educational	1.00 " " " "
Cultural/Entertainment	0.25 " " " "
Manufacturing/Wholesale	0.70 " " " "

2. New buildings may be constructed without parking spaces, or with fewer parking spaces than indicated by the parking-space ratios listed in paragraph 1, above.

CITY OF PORTLAND

INTER-OFFICE CORRESPONDENCE

(NOT FOR MAILING)

From Bureau of Planning, Ernest R. Bonner, Director

To Bureau of Buildings

Addressed to C. N. Christiansen, Building Inspections Director

Subject Downtown Plan Review File No. 30

Attached you will find a letter from Roy L. Schenck, Senior Vice President, Far West Federal Savings.

<u>This letter fulfills condition number two of DPR 30</u> which states that the applicant submit a letter confirming its willingness to support the development of at least 19 housing units in a Public Interest Lenders Program involving apartment housing, if organized in a Downtown Riverfront/North of Burnside Renewal Program or in any joint venture proposed to provide housing through a non-profit organization (e.g. church or other appropriate sponsoring organization.)

cc: Roy L. Schenck
Edna Cevera - Auditor's Office
Gary Stout - Office of Planning and Development

FAR WEST FEDERAL SAVINGS
Formerly Portland Federal Savings

HOME OFFICE • 444 S.W. Fifth Ave. • Portland, Oregon 97204 • Telephone 224-4444

April 29, 1974

Mr. Rod O'Hiser
Bureau of Planning
424 S.W. Main Street
Portland, Oregon 97204

Re: Downtown Plan

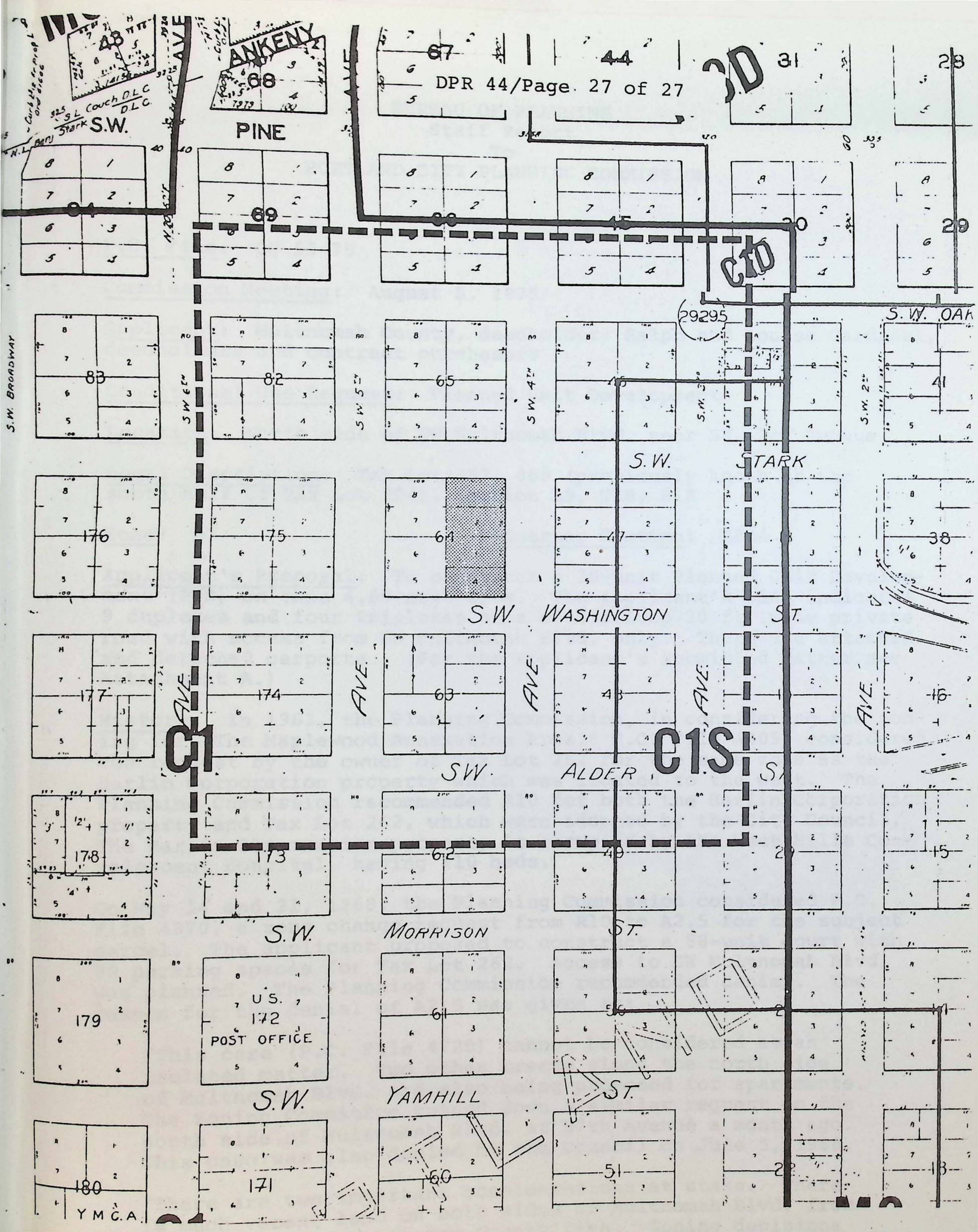
Dear Mr. O'Hiser:

In accordance with a March 5, 1974 request by the Bureau of Planning, this letter is to confirm the willingness of Far West Federal to support the development of at least 19 housing units in a Public Interest Lenders Program involving apartment housing, if organized in a Downtown Riverfront/North of Burnside Renewal Program, or in any joint venture proposed to provide housing through a non-profit organization (e.g. church or other appropriate sponsoring organization) if set up and administered in the same manner as a Public Interest Lenders Program.

Sincerely,

Roy L. Schenck
Senior Vice President

RLS:aj



DPR 44

--400' BOUNDARY

1"=200'

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

P.C. File: CU 53-75

Commission Meeting: August 5, 1975

Applicant: Multnomah County, deedholder; Ralph and Louise Cardinal, deedholders and contract purchasers

Conditional Use Request: Planned Unit Development

Location: North side of SW Multnomah Blvd. near SW 53rd Avenue

Legal Description: Tax Lot 262, 460 (previously known as the south half of Tax Lot 224), Section 19, T1S, R1E

Zone: R7 Quarter Section: 3824

Applicant's Proposal: To construct a 30-unit Planned Unit Development (PUD) on this 4.69 acre site. The applicant's plan indicates 9 duplexes and four triplexes on a double loop 20 ft. wide private road with access from SW Multnomah Blvd. only. There are attached and detached carports. (For the applicant's submitted matter see Attachment A.)

History: In 1963, the Planning Commission, in considering the zoning for "The Maplewood Annexation Area," P.C. File 4405, considered the request by the owner of Tax Lot 262 for the same zone as the Harlin Corporation property which was located to the west. The Planning Commission recommended R10 for both the Harlin Corporation property and Tax Lot 262, which were adopted by the City Council. The Harlin Corporation property is occupied by the West Hills Convalescent Hospital, having 110 beds.

On May 14 and 21, 1968, the Planning Commission considered P.C. File 4270, a zone change request from R10 to A2.5 for the subject parcel. The applicant proposed to construct a 58-unit court with 80 parking spaces for Tax Lot 262. Access to SW Multnomah Blvd. was planned. The Planning Commission recommended denial. The reason for the denial of A2.5 was given as:

> "This case (P.C. File 4720) cannot be considered as an isolated matter. Two other tracts along the north side of Multnomah Blvd. are also being proposed for apartments. The Zoning Committee turned down a similar request on the south side of Multnomah Blvd. at 57th Avenue a month ago. This case was also denied by the Council on June 5, 1968.
>
> "There are two important considerations at stake. There is much vacant land on both sides of Multnomah Blvd. from SW 45th to the Washington County line. Zoning decisions at this time are going to determine the character of this

area far into the future. All of the area is zoned R10 except two R7 tracts immediately west of the subject request. All existing development is one-family housing. Although the three tracts mentioned are adjacent to Multnomah Blvd., they are isolated therefrom topographically. Their influence will be felt directly on the existing and potential one-family areas to the north. These areas are spacious and almost rural. Other than for economic gain to the developers of these three tracts, densities four times as great as now permitted cannot be justified. Much land has already been rezoned in the southwest area for apartments to meet the demands of the market.

"The second consideration is the future use of Multnomah Blvd. It is designated as a limited access expressway and freeway on all local plans: City of Portland, Multnomah and Washington Counties; and has so been classified for analysis by the Metropolitan Transportation Study. Washington County has long planned to extend Multnomah Blvd. as a limited access thoroughfare westward past Beaverton. Together with the Sellwood-Johnson Creek Freeway it would be the only east-west freeway route in the metropolitan area between downtown Portland and I-205 at Oregon City.

"Through platting control and zoning policies, the Planning Commission has achieved some success so far in limiting access to Multnomah Blvd. only. This would mean left turning movements and relegation to an ordinary arterial street. Thus, apartments should not be permitted for that reason.

"Also, apartments should not be permitted if their access must be through the residential areas to the north. The attached Planning Commission studies demonstrate how these properties adjoining Multnomah Blvd. can be profitably developed for one-family houses and utilization of the ravine areas for open space. An outstanding environment for homes should result if these ideas are carried out and access to Multnomah Blvd. is to be limited to right turning movements only.

"For these reasons, it is recommended that A2.5 be denied. If the tract were rezoned to R7, twenty houses could be built on the applicant's property."

On November 12, 1970, the City Council considered the zone change request P.C. File 5270. Discussion centered around the Multnomah Blvd. issue with the following findings:

"1. Multnomah Blvd, is proposed as a freeway or expressway on the regional transportation plan.

"2. It should have a right-of-way in the range of 150-220 feet.

"3. The right-of-way should be sufficiently wide to accomodate rapid transit.

"4. Development along Multnomah Blvd. should take into account the status of this route. This means new development with direct access to Multnomah Blvd. should be prohibited or given temporary access only."

The Commissioner of Public Works (Lloyd Anderson) recommended:

"1. That a Planned Unit Development be permitted on the site.

"2. That this development be placed in such a location as to avoid interference with the construction of a major transportation facility on Multnomah Blvd.

"3. That 29 to 32 units be allowed depending on the exact land area (the land area divided by 7,000 sq. ft.).

"4. That the land development itself be approved by the Planning Commission in accordance with regular procedures."

It should be noted that although the City Council discussion and Public Works letter mentioned a Planned Unit Development and 29 to 32 units, the action of the Council was to pass a zone change to R7 with no special conditions or waivers. Ordinance 131886 was passed by Council on December 2, 1970. (See Attachment B.)

Hidden Village - CU 54-71: The property to the west was considered several times by the Planning Commission for a Planned Unit Development on Tax Lot 419, Section 19, T1S, R1E. The applicant's various proposals included 38 rental units. The density of 38 units was advocated by the applicant based on the Council discussion of P.C. 5270, without the 20% reduction, and not upon the Planning Commission policy nor zone change Ordinance 131886. (See Attachment B.)

On September 7, 1971, the Planning Commission considered the Conditional Use request which included nine 2-story four-plexes and one single-story duplex (38 units). Two problems were identified:

1. The private roadway was not located in relation to the topography and grades of 15% to 20% which are encountered.

2. The temporary private road entrance to Multnomah Blvd. should be combined with a future access road to Tax Lot 262 on the east to reduce the number of access points to Multnomah Blvd.

On February 1, 1972, the Planning Commission reconsidered CU 54-71 with revised plans. The new plans showed 19 duplexes with an attached garage for each unit. No additional parking was shown. Several buildings were located close to Multnomah Blvd. At that time 4 conditions were required which necessitated plan revisions:

1. Future permanent access shall be away from SW Multnomah Blvd.

2. Minimum 70 ft. setback from SW Multnomah Blvd. shall be provided for any building or private roadway other than temporary entrance.

3. Parking shall be provided at a ratio of 3 spaces per 2 dwelling units.

4. Green space not less than 10 ft. width shall be provided along all of perimeter of site except for accessways.

On March 7, 1972, the Planning Commission considered CU 54-71 for the third time. The applicant's plan indicated seven four-plexes and five duplexes. The request was approved with 17 conditions. (See Attachment C.)

On January 26, 1973, the applicant again submitted revised plans indicating seven four-plexes and five duplexes and 38 covered parking spaces and 24 open parking spaces. The plans showed a 70 ft. Multnomah Blvd. setback and a minimum of 15 ft. side and rear yards from the closest structures to the property lines.

On March 1, 1973, the City Council passed Ordinance 136094, which waived Section 17.88.020 of the City Code (Public Works Section) to allow construction of dwellings over 250 ft. from a dedicated street. (See Attachment D.)

Over a year has lapsed since the Conditional Use was approved. Any Planned Unit Development construction on the site would require the applicant to reapply to the Planning Commission for a new Conditional Use for a PUD.

Zoning: The property is zoned R7, single-family residential zone, and requires 7,000 sq. ft. per dwelling unit.

Planned Unit Developments are Conditional Uses in an R7 zone.

On July 22, 1975, the Zoning Committee considered P.C. File 16-75, a subdivision request for four lots on the south side of Multnomah Blvd. on the east side of SW 56th Avenue. The matter has been referred to the full Planning Commission.

Density: The applicant's plan indicates 30 units. R7 density for 4.69 acres would allow 29.1 units; R7 density with the standard 20% reduction for roadways would allow 23.3 units.

Parking: There is one carport or garage per unit plus a maximum of 9 additional side of the roadway parallel spaces.

Buffer Area South: The applicant has maintained a 50 ft. green strip between the private roadway and property line south. It is 80 ft. from the property line to the nearest structure.

Buffer Area West: The applicant's proposed curb cut is 10 ft. from the property line west The closest structure (#15) is approximately 10 ft. from the west. property line.

Buffer Area Northwest: There are 8 units (#15-22) located 10 to 35 ft. from the northwest property line.

Buffer Area Northeast: There is approximately a 90 ft. to 200 ft. buffer between the nearest units (#23-30) and the northeast property line.

Buffer Area East: The nearest unit (#30) is approximately 15 to 17 ft. from the east property line. The nearest portion of the private roadway is within 35 ft. of the east property line.

Topography: The site slopes approximately 90 ft. from the south property line to Fanno Creek a horizontal distance of 350± ft. The incline from the creek to the northeast property line is 10 to 15 ft. vertical in a 100 to 150 ft. horizontal distance.

The creek near the north property line is part of Fanno Creek. The HUD flood plain mapping of the 100 year flood comes in close proximity to the applicant's property.

The landslide potential (hazard) is categorized at moderate over the entire site as indicated in the Development Constraint Study portion of the Physiographic Inventory.

Services: See agency responses, Attachment E.

Water: There are two mains, a 10 in. and a 24 in. in SW Multnomah Blvd.

Sewers: There is a 12 in. CSP sewer that runs along the creek bottom through the northeast portion of the applicant's property.

Streets: SW Multnomah Blvd. is a two-lane paved arterial within a varying right-of-way. The applicant proposes one access to SW Multnomah Blvd. The Comprehensive Planning Section of the Bureau of planning has been studying the Multnomah Blvd. corridor for express transit purposes.

SW 53rd Place is a dedicated right-of-way south of SW Custer which abuts the applicant's property at the northeast property line. The road is not improved.

SW Maplewood Road is a 24 ft. gravel strip north of SW Custer. South of SW Custer, SW Maplewood Road is unimproved. The dedicated portion of SW Maplewood Road is approximately 285 ft. from the applicant's property. The applicant owns this strip of property.

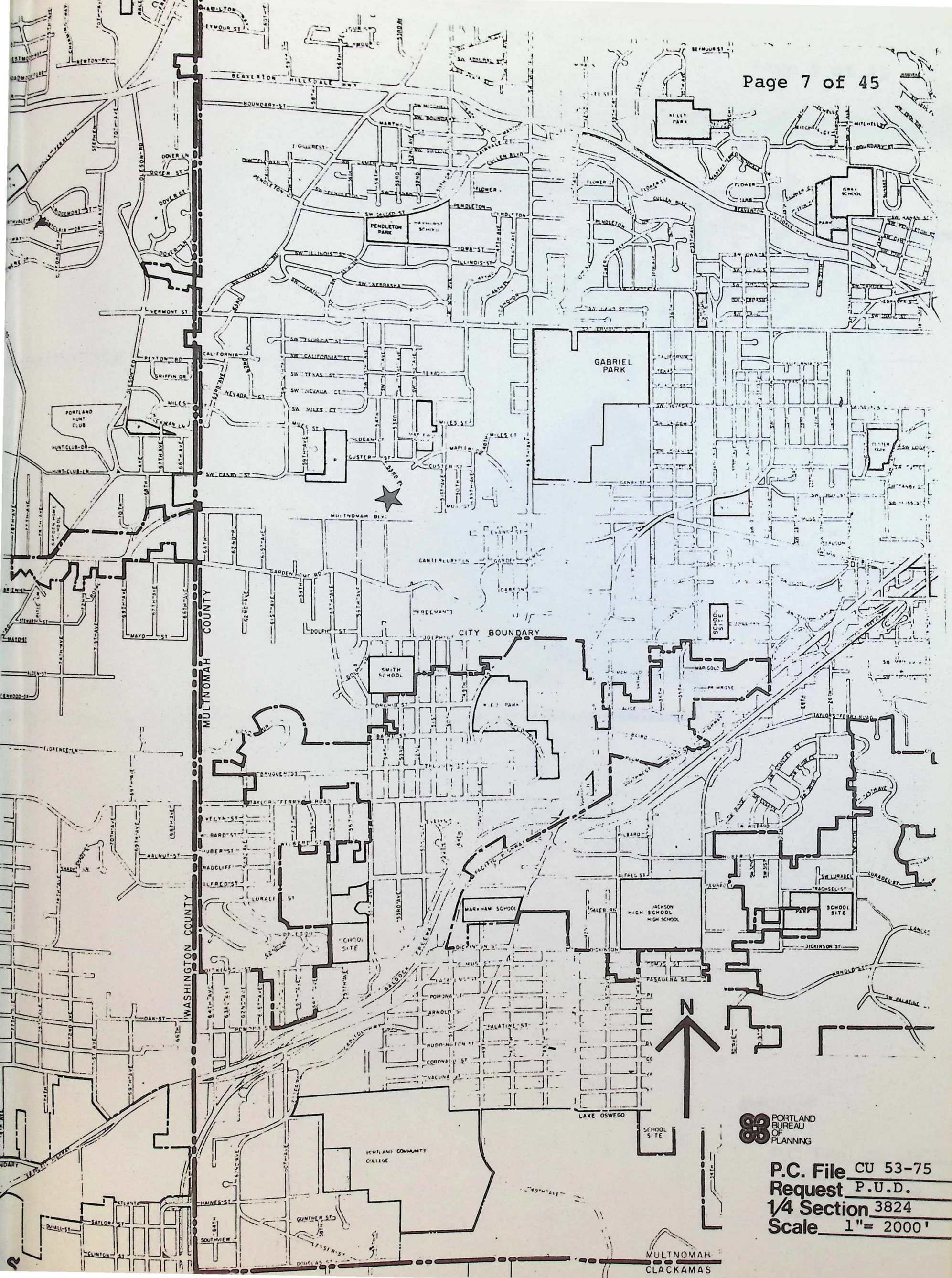
Bus: Tri-Met Maplewood Bus runs north of the site, through the residential neighborhood along SW Maplewood and 52nd (Tri-Met Line 46).

Agencies Contacted: The following agencies or offices have been requested to respond to the applicant's proposal (see Attachment E):

1. Multnomah County Public Works (County Streets)
2. City of Portland, Bureau of Neighborhood Environment
3. City of Portland, Water Bureau
4. City of Portland, Police Bureau
5. City of Portland, Bureau of Parks
6. City of Portland, Fire Marshal's Office
7. City of Portland, Traffic Engineer's Office
8. City of Portland, City Engineer's Office
9. City of Portland, Bureau of Planning, Comprehensive Planning (Transportation)
10. City of Portland, Bureau of Planning, Special Studies (Open Spaces Section)

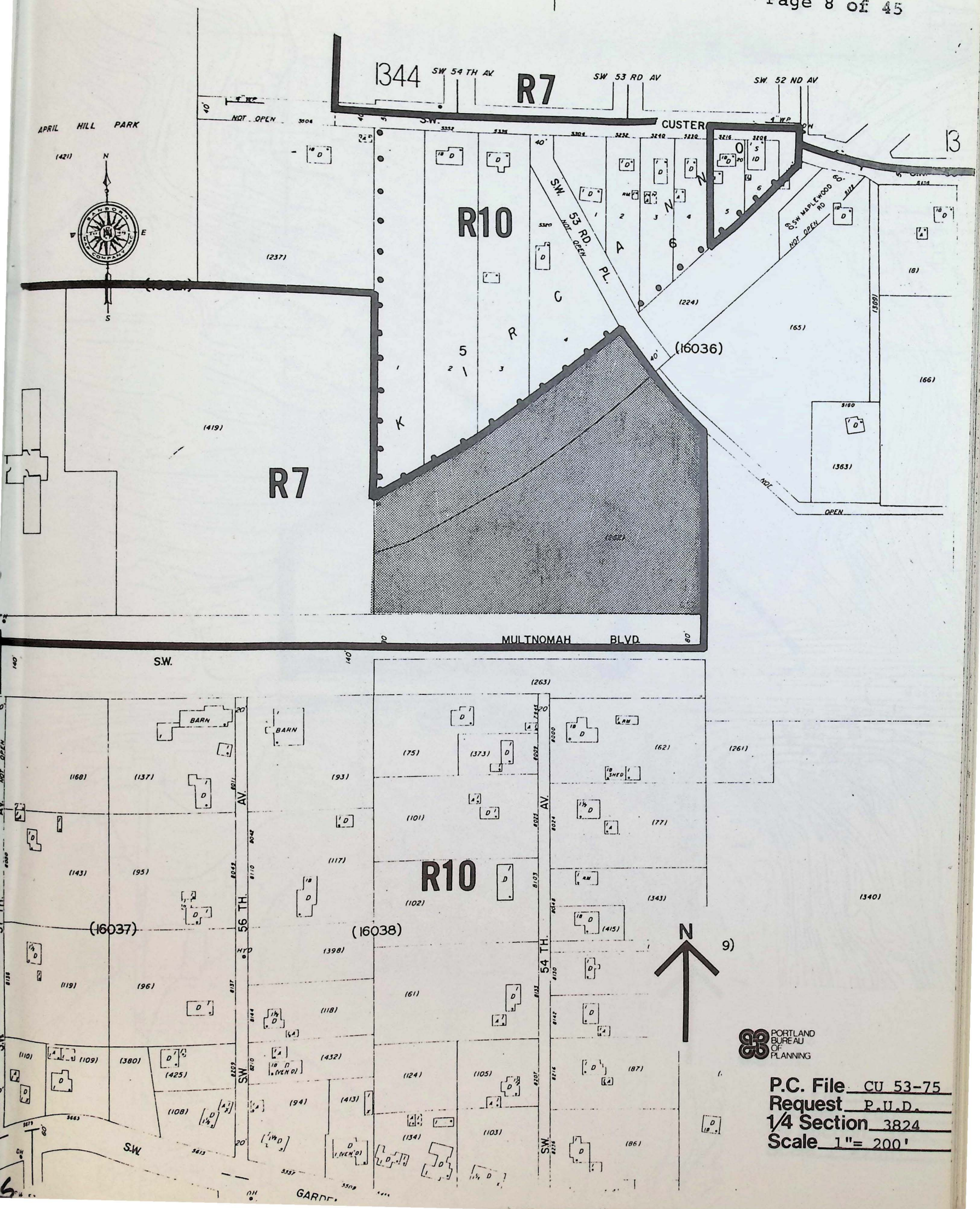
Surrounding Conditions: This portion of the Southwest Portland area is hilly. Some areas near SW Multnomah or other streets which have been built by cut and fill have steep embankments. Some areas near the creek may be steep, while the creek bed itself has a small, relatively flat flood plain. This site is steeper than the PUD site to the west and residential neighborhood to the north. To the northwest is a 9.15 acre park site. To the east is open space. To the south are dwellings on large lots (averaging 40,000 sq. ft.) with access from Garden Home Road, although several of the streets are dedicated to SW Multnomah Blvd. Along SW Multnomah Blvd. there is little development, partially because of numerous steep embankments. There is a convalescent hosptial 400± ft. west of the subject property, with one of the few access roads to SW Multnomah.

SV:NW:st



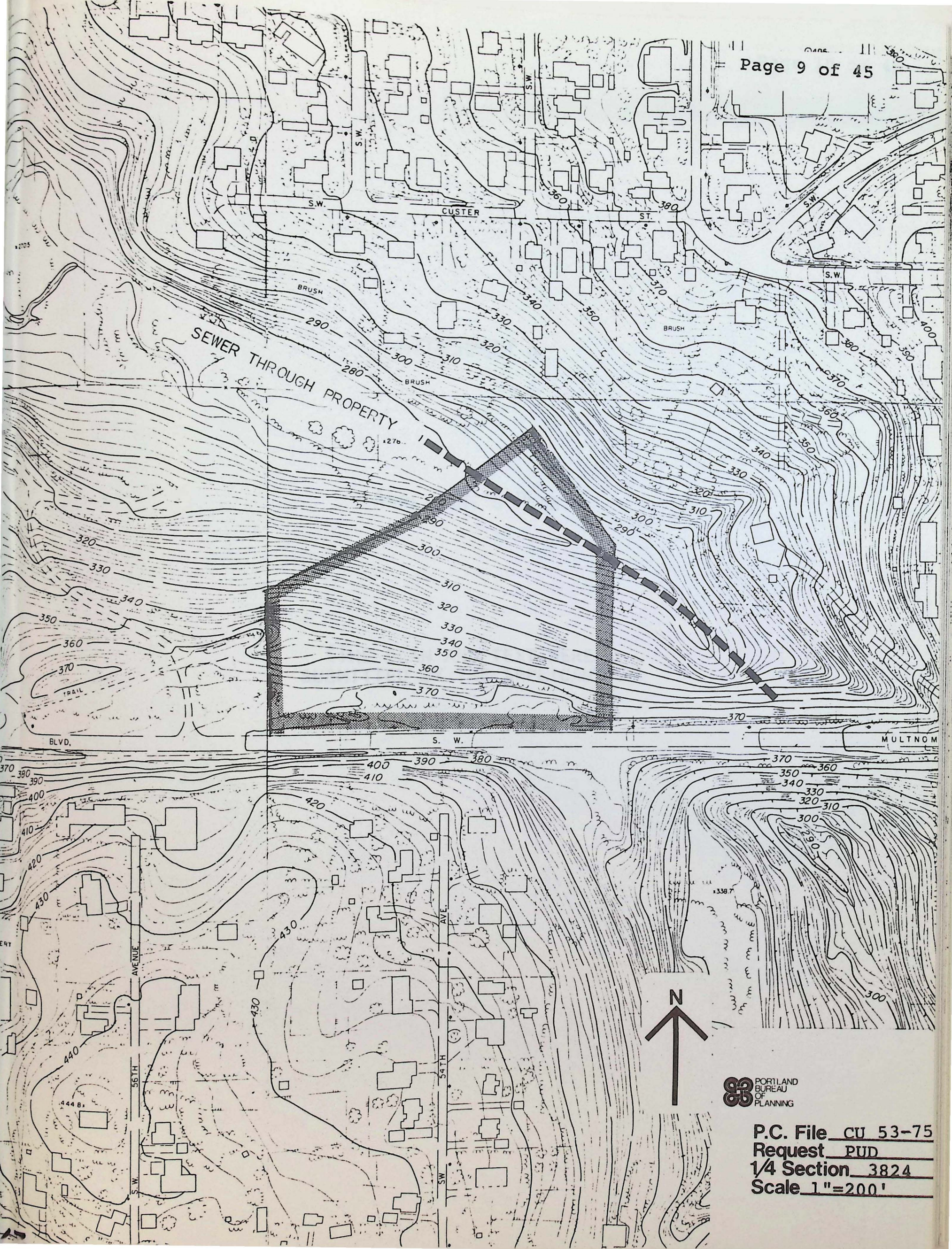
PORTLAND BUREAU OF PLANNING

P.C. File CU 53-75
Request P.U.D.
1/4 Section 3824
Scale 1"= 2000'



PORTLAND BUREAU OF PLANNING

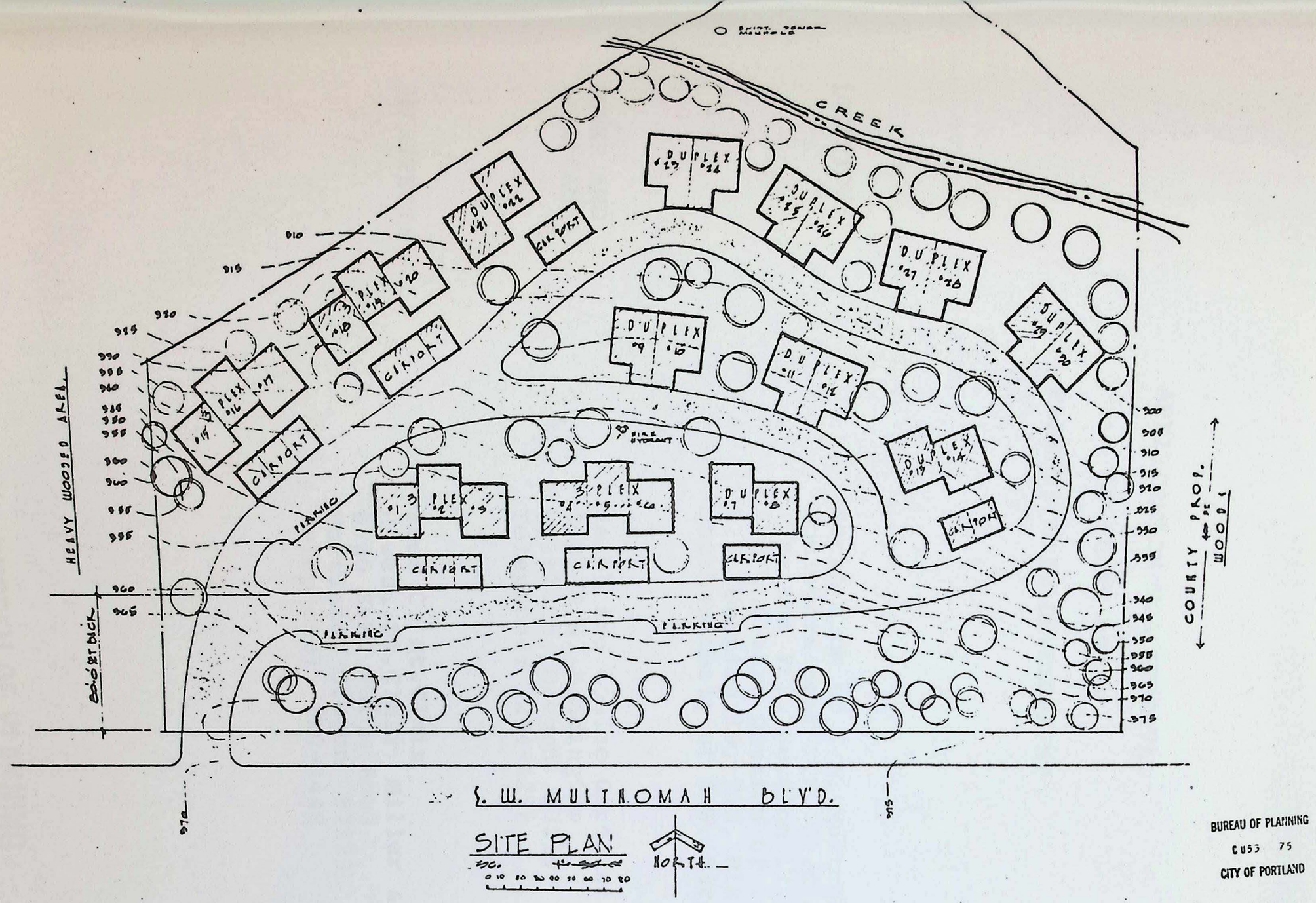
P.C. File CU 53-75
Request P.U.D.
1/4 Section 3824
Scale 1"= 200'


S.W.
CUSTER
ST.
BRUSH
SEWER THROUGH PROPERTY
TRAIL
BLVD,
S. W.
MULTNOM
AVENUE
56TH
54TH
AVE.
SW
N
PORTLAND BUREAU OF PLANNING
P.C. File CU 53-75
Request PUD
1/4 Section 3824
Scale 1"=200'

ATTACHMENT A

APPLICANT'S PLAN

(THE PLAN AND TEXT WERE
SUBMITTED BY THE APPLICANT.)



BUREAU OF PLANNING
CU53 75
CITY OF PORTLAND

p.u.d. development

APRIL 13, 1975

hawes, st. clair, miller, cook · tollen
architects p.c. a.i.a.
8700 SW VARNS PORTLAND, OREGON

APPLICATION FOR APPROVAL OF PLANS FOR A PLANNED UNIT DEVELOPMENT

LOCATION: North side of S.W. Multnomah Boulevard near S.W. 53rd Avenue. (Tax Lot 262, Section 19, T1S, R1E and that portion of Tax Lot 224, Section 19, T1S, R1E, lying southwesterly of S.W. 53rd Place).

OWNER AND APPLICANT:
Ralph and Louise Cardinal
3535 S.W. Buddington
Portland, Oregon 97219
Telephone: 244-4288

ARCHITECT:
Jack C. St.Clair
Hawes, St.Clair, Miller & Cook
6700 S.W. Varns Road
Portland, Oregon 97223
Telephone: 620-2440

BUREAU OF PLANNING
C U53 75
CITY OF PORTLAND

buffer along S.W. Multnomah Boulevard, to be maintained in its pre-
sent wooded condition. The setback was required by the Commissioner
of Public Works (Exhibit B) in 1970 because of plans for development
of the Multnomah Boulevard Freeway, which plans have now been aban-
doned. The applicant nevertheless intends to maintain the 80 foot
buffer in order to provide open space and to establish a buffer of
privacy between S.W. Multnomah Boulevard and the units. Only one
means of access is planned through the buffer from the units to
S.W. Multnomah Boulevard.

Units are to be clustered in the center of the site, and the applicant intends to leave as many trees on the site as possible. In addition to the 80 foot buffer on the south, the applicant intends to leave open space on the portion of the site existing on the north side of the creek. It appears probable that the wooded areas on the northwest and east sides of the site will continue in their present wooded state.

Recreational Facilities. The applicant intends to landscape the area along and to the north of the creek and develop it into a park. The park will be available to occupants for recreational purposes.

Onsite Streets and Parking. The applicant proposes to locate units around two loops. All units will have carports, unless the contours of the loop make carports impracticable. In addition, there will be parking available on the shoulders of the loops.

The applicant estimates that paved areas will use approximately 26,000 square feet of the site, or approximately 13.3% of the total square footage of the site, which is 196,020 square feet.

Automobile Traffic. The sole access to the site will be to S.W. Multnomah Boulevard on the westerly edge of the site. The applicant has conferred with Mr. Jerry Baker, P.E., Assistant Traffic Engineer with the Bureau of Traffic, who has reviewed the plan and indicated that he sees no problems with traffic and access.

Sewers. With respect to sanitary sewers, the applicant has conferred with Mr. Steve Strylewicz and Mr. Ron Houston of the City Bureau of Sanitary Engineering. The project will be allocated 12 hookups for sanitary sewers, which is satisfactory to the Bureau of Sanitary Engineering. According to a letter dated June 11, 1975, from J. P. Niehuser, Chief Civil Engineer, City Department of Public Works, the applicant will be able to obtain a sewer connection permit (Exhibit C).

With respect to storm sewers, Mr. Easter of the Plumbing Department has notified the applicant that the creek is adequate to

discharge storm runoff. The applicant's architect is preparing a preliminary proposal for the design of the storm sewer. The capacity of the creek is reflected in the fact that in 1966 West Hills Convalescent, pursuant to a permit from the State Sanitary Authority, constructed a sewer treatment plant which dumped discharge into the creek. The use of the plant was discontinued when sanitary sewers were installed in the neighborhood.

Fire Marshal. The applicant has conferred with the City Fire Marshal, who is requiring that the applicant install one fire hydrant within the project and also that the applicant make certain other changes in his plans. The applicant has agreed to make these changes, and the plan, as changed, is now acceptable to the Fire Marshal. The plan which is filed with this application includes the changes required by the Fire Marshal.

Schools. The site is located in the Maplewood Grade School District and the Wilson High School District. Maplewood has grades K through 8. The site is located within 1,000 feet of the grade school.

Neighborhood Residential Views. The applicant has checked and determined that there is no neighborhood association in the Multnomah area. The only remonstrance at the zone change hearings in 1970 was by Miss Dorothy Gage, 8000 S.W. 54th Avenue. She owns property immediately to the south and across Multnomah Boulevard from the site. Because of the 80 foot buffer and the fact that the property slopes from Multnomah Boulevard north, there will be virtually no visual impact from the development. The trees in the 80 foot buffer will block any view of the project, and the units themselves will be of such a height as to not come above the trees. In her statement she indicated that access to her property is from Garden Home Road and 54th Avenue, not from Multnomah Boulevard. Any additional traffic from the project should therefore have no affect on her. The Portland City Council approved the zone change to Zone R7 and encouraged the planned unit development at the site after hearing her remonstrance.

The applicant intends to contact the owners of the property abutting the north side of the site in order to solicit their support for the project.

Public Need. The applicant intends to maintain ownership of the development and rent the units as high quality family apartments. All units have two and three bedrooms.

In this day of housing shortages, both single family housing and apartment units, developments consistent with Portland's comprehensive plan should be encouraged. According to a study made by Dr. Fred I. Weber, Jr. of Portland General Electric Company,

economic advisor to the National Association of Home Builders for Portland, final data for 1974 indicates that there were 9,953 new living units completed in the four county Portland Metropolitan area. From this number, 2,763 were apartment units. This was a 54.6% decline in apartment construction completed during 1973. Weber also reported that the latest vacancy figures indicate that apartment vacancies are at their lowest level since his association started compiling statistics in 1966 (Exhibit D).

A survey of the apartment vacancy rate in the Multnomah neighborhood, done by Apartment Data Center of Greater Portland-Vancouver at the applicant's request, disclosed a 3.05% vacancy factor for the area as of May 30, 1975. This vacancy rate is lower than the vacancy rate for any of the cities listed in Dr. Weber's survey.

Mr. Jerry A. Mason, the author of the survey done by Apartment Data Center, stated that in his opinion the units in the applicant's development would be very rentable, not only because of the low vacancy factor in the area, but also because of the strong demand for nice apartments closer to downtown Portland. (Exhibit E).

_____

Ralph Cardinal, Applicant

_____

Louise Cardinal, Applicant

ORDINANCE NO. 137501

An Ordinance changing from Zone R10 to Zone R7, for Tax Lot 262, Sec. 19, T1S, R1E, W.M., and that portion of Tax Lot 224, Sec. 19, T1S, R1E, lying southwesterly of S.W. 53rd Place, located on the north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue, under certain conditions, petition of Portmont, Incorporated, deedholder and contract purchaser, and Multnomah County of Oregon, deedholder, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Portmont, Incorporated, deedholder and contract purchaser, by Ralph V. Gaddard, Pres., 3535 S.W. Huddington, Portland 97219, and Multnomah County of Oregon, deedholder, through its Land Department (Leasing Agent), Courthouse, Portland, 97204, have filed a petition to change from Zone R10 to Zone A2.5, Tax Lot 262, Sec. 19, T1S, R1E, W.M., and that portion of Tax Lot 224, Sec. 19, T1S, R1E, W.M. lying southwesterly of S.W. 53rd Place, located on the north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue, in the City of Portland, County of Multnomah, State of Oregon; that the petition complied in all respects with all the provisions of Title 33 of the Code of the City of Portland, and petitioners have paid the proper fee to the City Treasurer; that the petition was originally filed in 1968, and the City Planning Commission by report dated July 29, 1970 (PC No. 5270) and made part of Council Calendar No. 5928 (1968, thereafter Nos 2862,3239,3753, Council numbers all in 1969) and 1970 Calendar No. 400, recommended denial of Zone A2.5 for said property; that all remonstrances made or filed were heard and considered at the various meetings of the Council; that the matter was continued at various meetings and a report from the Commissioner of Public Works, through the Commissioner of Public Affairs was requested; that notice of the various meetings was directed to owners of real property within 400 feet of the zone change area, and the Council on November 12, 1970 determined that a change in zone from R10 to Zone R7 would not adversely affect the peace, health, safety or convenience of the neighborhood and R7 zoning should be permitted for this property; that all remonstrances made or filed were thereafter overruled, and are by this ordinance specifically overruled, and the Council finds that a rezoning to Zone R7 should be granted; now, therefore, pursuant to the provisions of Title 33 of the Code of the City of Portland, Oregon, the following described property is changed in zone as hereinafter set forth, and the petition for a change of zone from R10 to Zone A2.5 is hereby specifically denied:

From Zone R10 to Zone R7 Tax Lot 262, Sec. 19, T1S,R1E, W.M., and that portion of Tax Lot 224, Sec. 19, T1S, R1E, W.M. lying southwesterly of S.W. 53rd Place, located on the north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue, more particularly described as follows:

EXHIBIT A

Boundary description to change from Zone R10 to R7 Tax Lot 262, Section 19, T1S, R1E, W.M., and that portion of Tax Lot 224, Section 19, T1S, R1E, W.M., lying southwesterly of 53rd Place, located on the north side of S. W. Multnomah Boulevard near S. W. 53rd Avenue.

Beginning at the point of intersection of the north line of S. W. Multnomah Boulevard with the north-south center line of Section 19, T1S, R1E, W.M.; thence S. 89° 34' 30" E. along the north line of said Boulevard 577.5 feet; thence north 32.9 feet more or less to the northeasterly line of a tract conveyed to Oregon Electric Railway Company by John P. and Henrietta Hoffman, by deed recorded April 7, 1913, in Book 617 at Page 48; thence along said northeasterly line N. 42° 44' W. 59.3 feet, and N. 35° 14' W. 82 feet to a point in the southeasterly line of a tract, being formerly a 100 foot wide right of way of said Railway Company, conveyed by J. P. and Henrietta Hoffman by deed recorded January 10, 1908, in Book 408 at Page 288; thence northeasterly along said tract line to the southwesterly line of a 40 foot road dedicated February 21, 1952, in Book 1522 at Page 540, Multnomah County deed records; thence northwesterly 100.9 feet along said road line to the southeasterly line of Block 5, Kircanno; thence southwesterly along said Block line to the north-south center line of said Section 19; thence south along said section center line to the point of beginning.

Section 2. All the requirements of the Code of the City of Portland, Title 33, applicable to the proposed use within said new zoning, the provisions of Title 24 and generally all other applicable code and ordinance provisions and regulations of the City, whether presently existing or hereafter enacted, shall be complied with.

Section 3. In the event of a failure to comply with the terms and provisions herein stated, or any thereof, the Council may in its discretion repeal this ordinance and restore the property to its former zoning or otherwise rezone the same as it may determine. This ordinance shall not be effective and no change shall be made in the zoning maps of the City until the acceptance and recording provided for in Section 33.102.010, of Title 33 of said Code of the City shall have been complied with. Thereupon the Auditor hereby is directed to change the maps provided for in Section 33.16.010 of said Code by designating on said maps said property as being in the new zone set forth in Section 1 hereof.

ORDINANCE No.

Section 4. 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 there may be no delay in the beneficial use of the property; 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, 1970

Order of Council
MCR:gm:dle
Nov 27, 1970

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

OYD E. ANDERSON
GINEER
EPARTMENT OF PUBLIC WORKS

JAMES L. APPERSON
CITY ENGINEER

CITY OF PORTLAND
OREGON

1220 S.W. 5TH AVENUE • PHONE (503) 228-6141

November 10, 1970

TO THE COUNCIL:

Your Commissioner of Public Works reports in the matter of the petition of Portment, Inc, deedholder and contract purchaser, and Multnomah County of Oregon, deedholder to change from Zone R10 to A2.5, Tax Lot 262, Section 19, T1S, R1E and that portion of Tax Lot 224, Section 19, T1S, R1E, lying southwesterly of S.W. 53rd Place, located on the north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue.

The request of Portment, Inc. has been investigated by the Department of Public Works in cooperation with the Planning Commission. The emphasis on this investigation was to establish the potential status of Multnomah Boulevard and the impact of this transportation facility on adjacent properties. The findings are as follows:

1. Multnomah Boulevard is proposed as a freeway or expressway on the regional transportation plan.

2. It should have a right-of-way in the range of 150-220 feet.

3. The right-of-way should be sufficiently wide to accomodate rapid transit.

4. Development along Multnomah Boulevard should take into account the status of this route. This means new development with direct access to Multnomah Boulevard should be prohibited or given temporary access only.

The applicants for the change in zone for the property in question want a sufficiently high density to make development profitable. This request for A25 would permit 81 to 90 units depending on the exact land area. This land area would be reduced by any freeway right-of-way land acquisition. The access to the property as proposed would be to Multnomah Boulevard. When the freeway is developed the access would be to the north through a single-family residential area.

EXHIBIT B

TO THE COUNCIL
Portment, Inc.
November 10, 1970

To permit high density development with a potential restricted access will create problems in the neighborhood. It will not at present create such problems because of the direct access to Multnomah Boulevard. Because of the rugged terrain cluster development appears to be more practical than individual units regardless of the density.

In light of the recommendations of the Planning Commission and the problems of the developer, your Commissioner of Public Works

RECOMMENDS

(1) that a planned unit development be permitted on the site; (2) that this development be placed in such a location as to avoid interference with the construction of a major transportation facility on Multnomah Boulevard; (3) that 29 to 32 units be allowed depending on the exact land area (the land area divided by 7,000 square feet); (4) that the land development itself be approved by the Planning Commission in accordance with regular procedures.

Respectfully submitted,

Lloyd E. Anderson
Commissioner of Public Works

LEA/ps

THE CITY OF
PORTLAND
OREGON

DEPARTMENT OF
PUBLIC WORKS
CONNIE McCREADY
COMMISSIONER

OFFICE OF
PUBLIC WORKS
ADMINISTRATOR

400 S.W. SIXTH AVE.
PORTLAND, OR. 97204

June 11, 1975

Ralph Cardinal
8405 SW Barbur Blvd.
Portland, Oregon 97219

Dear Sir:

At your request, we wish to confirm that Tax Lot 262, Section 19, Township 1 South, Range 1 East, Willamette Meridian, has a sewer crossing the property through a sewer easement. Tax Lot 224, Section 19, T1S, R1E, W.M., has a sewer adjacent to the property in SW Custer Street. The property was assessed for the cost of this sewer.

Although there is still a ban on sewer connections at this time, there are a limited number of permits available on a first-come, first-served basis. As of May 30, 1975, there were 1,015 permits open for this area.

When you are ready to file plans with the Building Bureau to obtain a building permit, we will prepare a certification to the Unified Sewerage Agency that your property has a sewer available to it. With that certification, you may obtain an Authorization from the Agency, allowing the City to issue a sewer connection permit. This Authorization is only good for fifteen (15) days. When your building plans are approved, and proper application and payment of all fees and charges, and with a valid Authorization in hand, we will issue a sewer connection permit.

If you have any questions on the above procedures, or need other information, please call Ron Houston, 248-4065, of this office.

Very truly yours,

J. P. NIEHUSER
Chief Civil Engineer

RLH:al

EXHIBIT C

Econom[illegible] Development and Research
Portland General Electric Company
621 S. W. Alder Street
Portland, Oregon 97205
Dr. Fred I. Weber, Jr., Manager
Telephone: 228-7181, Ext. 492

FOR IMMEDIATE RELEASE 3/24/75

Final data for 1974 indicates that there were 9,953 new living units completed in the four county Portland metropolitan area according to Dr. Fred I. Weber, of Portland General Electric Company, economic advisor to The National Association of Home Builders for Portland. These figures were forwarded to the NAHB this week, and were compiled from electrical connections in the area.

The total was comprised of 7,190 single-family homes and 2,763 apartment units. This was a 23.8% decline from the total of single-family homes and 54.6% in apartment construction completed during 1973. It represents the first time in six years that the Portland area consisting of Multnomah, Clackamas. Washington and Clark counties has fallen below 10,000 completed units.

"We are forecasting that the bottom of the cycle has been reached", Weber said. He predicts that the single-family home construction will reach 8,361 units for 1975 - a 16.3% gain over 1974 and apartment construction will rise to 5,303 units - a 92% gain over last year.

"One major builder in the Portland area has indicated he will start 600 new apartment units in the next two months," Weber said, "and the latest vacancy figures indicate that apartment vacancies are at their lowest level since we began to compile data in 1966. Apartment construction is always more volitile, and while a 92% gain from year to year might seem impossible, it is well within the area of past experience," Weber noted.

"In summation, we are expecting that 1975 will be a year slightly poorer than 1973 in total. Construction volume should rise as the year progresses, whereas 1973 dropped off as the months went along. The totals for the year, however, should be only about 10% different," Weber commented. Even so, the 1975 volume will still be nearly 7,000 units behind our record year of 1972 when over 20,000 units were completed in the four-county area.

****

EXHIBIT D

SURVEY OF VACANCY RATES FOR SELECTED CITIES IN THE PORTLAND GENERAL ELECTRIC COMPANY SERVICE AREA BY THE ECONOMIC DEVELOPMENT & RESEARCH DEPARTMENT

City	Single-Family Home Vacancy Percent	Apartment Vacancy Percent	Mobile Home Vacancy Percent
Beaverton	1.58	4.69	2.96
Fairview	1.01	4.73	-0-
Gladstone	2.28	4.22	1.63
Gresham	4.18	6.68	2.71
Hillsboro	2.77	6.21	4.77
Newberg	3.20	4.48	1.78
Oregon City	4.48	12.57	20.22
St. Helens	2.29	3.75	-0-
Salem	1.72	5.10	14.87
Sandy	3.62	8.40	19.00
Sheridan	3.45	15.73	13.15
Silverton	2.7	4.77	3.03
Tigard	4.55	7.15	1.96
Troutdale	9.46	10.93	8.33
Tualatin	3.72	27.61	3.70
West Linn	1.95	8.96	-0-
Wood Village	1.35	27.13	0.68
Woodburn	2.26	18.61	14.94

Note: The vacancy percentages above include living units under construction or never occupied. Thus, a very high vacancy percentage may indicate that the area has either few living units of that type, and a few vacancies would make the percentage high, or there are a large number of units under construction, some of which may not be ready for occupancy. The data above include units located within the city limits of these cities only.

APARTMENT DATA CENTER
OF GREATER PORTLAND-VANCOUVER

June 3, 1975

Ralph Cardinal
8405 S.W. Barbur Blvd.
Portland, Oregon 97219

Dear Mr. Cardinal:

Per your request for vacancy information in the neighborhood of Multnomah, I have checked our files and found a 3.05% vacancy factor for that area as of 5/30/75.

The area we limited the survey to was bounded by Barbur Blvd. on the east, Vermont Street on the north, Oleson Road on the west and Taylors Ferry Road on the south.

There were 426 units in the survey area that we had current vacancy information for on 5/30. That many units allows a good cross section. The complexes used range in number of units from 18 to 80.

Apartment Data Center has over 24,000 units under contract in the Greater Portland-Vancouver area. Our main purpose is to help owners fill vacancies. Consequently, accurate vacancy information is our stock and trade.

The types of apartment units you outlined to me when you requested the vacancy information should be very rentable. The reason is not only because of the low vacancy factor in that area, but also because of the strong demand for very nice apartments closer in to downtown Portland.

If you need further or more explicit information, please call.

Sincerely,

Jerry A. Mason

Jerry A. Mason
Apartment Data Center

JAM:ch

6823 S.W. Canyon Road • Portland, Oregon 97225 • (503) 297-2503

C

EXHIBIT E

ATTACHMENT B

ORDINANCE 131886

(ZONE CHANGE FOR THE SUBJECT PROPERTY TO R7)

Accepted MAR 30 1971

Recorded MAR 30 1971

ORDINANCE NO. 131886

3824

An Ordinance changing from Zone R10 to Zone R7, for Tax Lot 262, Sec. 19, T1S, R1E, W.M., and that portion of Tax Lot 224, Sec. 19, T1S, R1E, lying southwesterly of S.W. 53rd Place, located on the north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue, under certain conditions, petition of Portmont, Incorporated, deedholder and contract purchaser, and Multnomah County of Oregon, deedholder, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Portmont, Incorporated, deedholder and contract purchaser, by Ralph V. Cardinal, Pres., 3535 S.W. Buddington, Portland 97219, and Multnomah County of Oregon, deedholder, through its Land Department (Lansing Stout), Courthouse, Portland, 97204, have filed a petition to change from Zone R10 to Zone A2.5, Tax Lot 262, Sec. 19, T1S, R1E, W.M., and that portion of Tax Lot 224, Sec. 19, T1S, R1E, W.M. lying southwesterly of S.W. 53rd Place, located on the north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue, in the City of Portland, County of Multnomah, State of Oregon; that the petition complied in all respects with all the provisions of Title 33 of the Code of the City of Portland, and petitioners have paid the proper fee to the City Treasurer; that the petition was originally filed in 1968, and the City Planning Commission by report dated July 29, 1970 (PC No. 5270) and made part of Council Calendar No. 3923 (1968) (thereafter Nos 2882,3239,3753, Council numbers all in 1969) and 1970 Calendar No. 4004, recommended denial of Zone A2.5 for said property; that all remonstrances made or filed were heard and considered at the various meetings of the Council; that the matter was continued at various meetings and a report from the Commissioner of Public Works, through the Commissioner of Public Affairs was requested; that notice of the various meetings was directed to owners of real property within 400 feet of the zone change area, and the Council on November 12, 1970 determined that a change in zone from R10 to Zone R7 would not adversely affect the peace, health, safety or convenience of the neighborhood and R7 zoning should be permitted for this property; that all remonstrances made or filed were thereafter overruled, and are by this ordinance specifically overruled, and the Council finds that a rezoning to Zone R7 should be granted; now, therefore, pursuant to the provisions of Title 33 of the Code of the City of Portland, Oregon, the following described property is changed in zone as hereinafter set forth, and the petition for a change of zone from R10 to Zone A2.5 is hereby specifically denied:

From Zone R10 to Zone R7 Tax Lot 262, Sec. 19, T1S, R1E, W.M., and that portion of Tax Lot 224, Sec. 19, T1S, R1E, W.M. lying southwesterly of S.W. 53rd Place, located on the north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue, more particularly described as follows:

ORDINANCE No.

Section 4. 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 there may be no delay in the beneficial use of the property; 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, DEC 2 1970

Mayor of the City of Portland

Order of Council
MCR:gm:dle
Nov 27, 1970

Attest:

Auditor of the City of Portland

ATTACHMENT C

CU 54-71 ACTION

(PUD REQUEST WEST OF SUBJECT PROPERTY)

CITY OF PORTLAND
INTER-OFFICE CORRESPONDENCE
(NOT FOR MAILING)

Accepted APR - 5 1972

Recorded APR - 5 1972

[illegible] 9, 197[illegible]

From Dept. of Public Affairs, City Planning Commission

To Dept. of Public Affairs, Bureau of Buildings

Addressed to C. N. Christiansen, Building Inspections Director

Subject Conditional Use Request No. [illegible]

Dear Mr. Christiansen:

On [illegible] 7, 197[illegible] the Zoning Committee of the City Planning Commission met and considered the following Conditional Use request:

Applicant: [illegible]

Conditional Use Requested: Planned unit development

On property legally described as: [illegible]

In zone: [illegible]

Located at: SW Multnomah Boulevard, [illegible]

The Committee action was as follows: [illegible]

RECEIVED
APR 6 1
Portland
City Planning Commission

Sincerely,

Lloyd T. Keefe

Lloyd T. Keefe
Planning Director

PC CU-01
1-70 500

March 9, 1972

The Committee action was as follows: Approval with conditions:

1. Future permanent access shall be away from SW Multnomah Blvd.

2. Minimum 70 ft. setback from SW Multnomah Blvd. shall be provided for any building, parking facility or private roadway other than temporary entrance.

3. Off-street parking shall be provided as shown on the plan submitted.

4. Off-street parking for recreational vehicles shall be provided as shown on the plan submitted and shall be identified by sign(s) approved by the City Traffic Engineer and Planning Commission Staff.

5. Except on the west where it shall be not less than 15 ft. width, green space not less than 20 ft. width shall be provided along all of the perimeter of site except for accessways.

6. If a condominium, condominium declaration and association by-laws shall be submitted to the City Attorney for approval and final condominium plat shall be reviewed by the Planning Commission Staff prior to recording by Multnomah County.

7. Entrance identification sign shall be no larger than 10 sq. ft. and shall be approved by the Planning Commission Staff.

8. No access road shall be constructed without prior approval of the City Engineer, City Traffic Engineer, and Chief of the Bureau of Fire.

9. Grades on private roadways shall not exceed 15%.

10. The applicant shall confer with the Office of the City Engineer to determine the proper private road curve radii that will allow the free movement of large City fire vehicles.

11. Private roadway shall be constructed to the load-bearing capacity of the largest of public service and safety vehicles, and the applicant shall agree that the City shall be held blameless for any damage done to the roadway or to any adjacent structures resulting from a failure to construct the private roadway with an adequate load-bearing capacity.

12. Private roadway intersections with any public streets shall be illuminated to maximize traffic safety. Such lighting plan shall be approved by the City Traffic Engineer prior to installation.

March 9, 1972

13. The applicant shall develop the property with underground wiring and utilities which shall comply with City of Portland codes and standards.

14. The applicant shall provide fire hydrants, either City and private or all private, as required by the Fire Marshal and the Water Bureau.

15. The applicant shall comply with any requirements of the City Engineer for sewers - both sanitary and storm, and shall submit a signed agreement that he, his heirs and assigns will not remonstrate against any assessment for future sewer mains in this district.

16. Final site plans and building plans and elevations shall be submitted for the approval of the Planning Commission Staff prior to issuance of building permits so that quality, character, and appearance will be assured in the final product.

17. The applicant shall employ a registered architect or registered engineer to supervise construction of this development.

ATTACHMENT D

ORDINANCE 136094

(WAIVED 250 FT. DEVELOPMENT LIMITATION
ON SITE WEST OF SUBJECT PROPERTY)

An ordinance waiving the provisions of Section 17.88.020 of the Code of the City for the benefit of Hidden Village International in the construction of a multiple dwelling project on SW Multnomah Boulevard near SW 56th Avenue, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Hidden Village International, 1630 Larch Street, Lake Oswego, 97034, has through Builders Design Inc., requested that provisions of Section 17.88.020 of the Code of the City requiring that multiple dwellings be constructed within 250 feet of a dedicated street be waived for the construction of "Hidden Village", a multiple dwelling project on Tax Lot 419, Sec. 19, T1S R1E on SW Multnomah Boulevard near SW 56th Avenue; that the City Engineer, Fire Marshal, Planning Director and Bureaus of Water, Traffic and Buildings, do not object to granting the said request and that under certain conditions, it will not be detrimental to the public interest; now therefore, for the benefit of Hidden Village International (hereinafter referred to as the grantee) the provisions of Section 17.88.020 of the Code of the City are waived for the above described project subject to the following conditions:

(a) The grantee shall construct private roads of adequate strength to withstand normal loads of fire equipment, as shown on plans filed with the Bureau of Buildings, and have a minimum width of 20 feet, kept free of any parked vehicle that might impede the movement of fire equipment. At the juncture of said road and SW Multnomah Boulevard, the grantee shall provide a standard concrete driveway or in some manner approved by the City Engineer and the Multnomah County Roadmaster's office, denote that it is the entrance to a private road, and this entrance shall have a width approved by the Traffic Engineer. The grantee shall also install a fire hydrant near this entrance as approved by the Fire Marshal.

(b) The grantee understands and agrees that the private roads within the area referred to will not be maintained by the City and further agrees that no attempt will be made at a later date to dedicate said private roads to the City.

(c) The grantee further convenants that said property shall be counted in favor of any street or sewer improvement that it would be assessed for and will not remonstrate against the construction of any such improvement of the assessment of the property for its proportionate share of the cost thereof.

(d) The grantee understands and agrees that the Portland Bureau of Police does not patrol private roads and agrees no effort will be made at a later date to require the Bureau of Police to do so within the project area.

143

ORDINANCE No.

(e) The grantee hereby agrees to hold harmless the Bureau of Fire for any liability for property damage caused by City fire apparatus operating within the project area. This shall include not only the grantee's property but property of the tenants or anyone within the area. Said agreement includes any legal fees and costs of defending any action or suit resulting from the Bureau of Fire operating within the project area.

(f) The grantee shall protect the City of Portland, its officers, agents and employees and hold them free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon which may be occasioned by the waiving of the Code provisions herein referred to.

(g) This ordinance does not exempt the grantee from taking out any permit for any construction of said multiple dwellings or their appurtenances, or compliance with the requirements of any City ordinance or policy relating to such construction except as stated herein.

(h) This agreement shall be deemed to run with the land and shall equally bind the grantees, successors, and/or assigns of the grantee to the conditions contained in this ordinance.

(i) The City Auditor shall cause a certified copy of this ordinance to be recorded by the Clerk of Multnomah County in the appropriate Records of Deeds in his office, and the grantee shall reimburse the City of Portland for the cost of such recording.

Section 2. This ordinance shall not be effective and no building permit for said multiple dwelling upon the specified property shall be issued until the grantee has accepted the terms and provisions of this ordinance in writing in a form approved by the City Attorney.

Section 3. Inasmuch as this ordinance is necessary for the immediate preservation for the public health, peace and safety of the City of Portland in this: In order that construction of the multiple dwellings, as herein mentioned, may be commenced and carried forward by the grantee without unnecessary delay, 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, MAR 1 1973

Neil Goldschmidt
Mayor of the City of Portland

Mayor Neil Goldschmidt,
Acting Commissioner of Public Works
GY:mw
2-21-73

Attest: George Yerkovich
Auditor of the City of Portland

ATTACHMENT E

AGENCY RESPONSES

(AGENCY RESPONSES RECIEVED FOR INCLUSION IN AGENDA-
OTHERS WILL BE PRESENTED AT THE HEARING.)

July 14, 1975

File deed restriction for future improvement of SW Multnomah Blvd.

ENGINEERING SERVICES

MULTNOMAH COUNTY ENVIR. SERVICES (PUBLIC WORKS)

BUREAU OF NEIGHBORHOOD ENVIRONMENT, 2040 S.E. Powell, 248-4465

Date_____ Time_____ a.m. p.m.

*To*_____

From No comment

*Subject*_____

agree PH. pend.

*Phone No.*_____ *Ext.*_____

__call back __mail __info __for your approval

__will call __type __answer __for your action

at_____ __file __read,initial __comment

__see back __copy __see me __complaint

__distribute # _____ __refer __return

BUREAU OF NEIGHBORHOOD ENVIRONMENT

47

CITY OF PORTLAND
INTER-OFFICE CORRESPONDENCE
(NOT FOR MAILING)

July 9, 1975

From DEPARTMENT OF PUBLIC UTILITIES, WATER ENGINEERS

To BUREAU OF PLANNING

Addressed to NANCY WEISSER, ASSISTANT PLANNER

Subject CU 53-75

The Bureau of Water Works has reviewed the proposed subject P.U.D. application with regard to water supply, and the following information is furnished:

Water supply to the development would be from Freeman Tank and a 10" main located in S.W. Multnomah Boulevard.

Installation of a service would be in accordance with the provisions of Title 21 of the Code of the City of Portland.

The developer will have the responsibility of providing adequate metering, and service piping to provide the onsite fire protection as outlined by the Fire Marshal in the owner's application report.

The Bureau anticipates no significant problem in providing water service to this development, however no discussion between the Water Bureau and applicant has taken place. Recent changes in service cost and the requirements of on site fire protection may present a financial impact that the developer is not aware of.

Robert C. Bitten, P.E.
Chief Engineer

P.N

MJW:em
cc: P. Norseth

48

WATER BUREAU

THE CITY OF
PORTLAND
OREGON

BUREAU OF
POLICE

NEIL GOLDSCHMIDT
MAYOR

B. R. BAKER
CHIEF OF POLICE

222 S.W. PINE
PORTLAND, OR. 97204

July 8, 1975

Nancy Weisser
Assistant Planner
City Planning Commission
424 SW. Main Street
Building #106

Dear Ms. Weisser:

The Planning and Research Division of the Portland Police Bureau received the information for the Planned Unit Development number CU 53-75. It is our opinion that this addition will cause minimal impact on the Police Bureau and specifically Central Precinct.

This letter is sent to convey that there are no special problems or objections foreseen by this Bureau at this time.

Thank you for keeping us informed and we would appreciate the same future consideration.

Very truly yours,

Lt. W. E. Richardson
Director
Planning and Research Division

SMS/dll
226-74-75

OFFICE of FIRE MARSHAL

FIRE PREVENTION DIVISION
CITY OF PORTLAND

From: Vern F. Wayne

Date: July 21, 1975

To: Office of the Mayor, City Planning Commission

Subject: CU 53-75

The Fire Marshal's Office has concern about two problem areas in this development:

1. As this plan now stands, we would require at least one private hydrant and possibly two. We would like the ordinance worded so that we may request additional hydrants if actual development indicates a reasonable need.

2. Since access to this project is from a single entrance on Multnomah Boulevard, access for fire equipment could become blocked. We must have a minimum of 20 feet clearance maintained at all times even when automobiles are parked on the shoulders.

These are the only problems we can anticipate. We will have no objection to this plan if the above items are reasonably solved.

VFW:tb

FIRE MARSHAL

CITY OF PORTLAND

INTER-OFFICE CORRESPONDENCE

(NOT FOR MAILING)

July 10, 1975

From Bureau of Traffic Engineering

To Bureau of Planning

Addressed to Nancy Weisser

Subject CU 53-75 PUD Northside, S.W. Multnomah near S.W. 53rd Ave.

This bureau has reviewed the plans for the proposed PUD at the above location.

This development will generate 250 to 300 vehicle trips per day. With the only access directly from S. W. Multnomah Blvd. we see no problems with this project from a traffic engineering standpoint.

M. J. Martini
Sr. Traffic Engineer

MJM:es
cc: MB

TRAFFIC ENGINEER

uly 17, 1975

ity Planning Commission
'U 53-75

his property is served by SW Multnomah Blvd. (County Rd. No. 1491) which is improved with a 20 ft. oil gravel center strip within an 0' right-of-way. Multnomah County should be contacted concerning requirements to use this street for access.

rivate streets within the PUD should be delineated from SW Multnomah Blvd. This should be done with a standard concrete driveway.

The Bureau of Sanitary Engineering is submitting a separate report on this project.

William T. Monahan

WILLIAM T. MONAHAN
Assistant City Engineer

GY:bd

CITY ENGINEER

THE CITY OF PORTLAND OREGON

OFFICE OF PLANNING AND DEVELOPMENT
GARY E. STOUT
ADMINISTRATOR

BUREAU OF PLANNING
ERNEST R. BONNER
DIRECTOR

424 S.W. MAIN STREET
PORTLAND, OR. 97204

PLANNING
503 248-4253

ZONING
503 248-4250

23 July 1975

MEMORANDUM

TO: Nancy Weisser, Zoning

FROM: Ernie Munch, Comprehensive Planning

RE: CU 53-75; PUD North of Multnomah Blvd.

I have reviewed the application for a 30 unit PUD north of Multnomah Blvd. near SW 53rd Avenue, and offer the following comments:

1. Multnomah Blvd., once a right-of-way for the Oregon Electric Interurban Rail Line, is a transportation corridor of regional importance. This corridor was examined by the Governor's Task Force on Transportation, and found to have excellent potential as an express transit corridor. One of the reasons for this determination was the fact that very few businesses or residences actually front on Multnomah Blvd. or relie upon it for access.

   It is important to future regional growth and mobility, that this corridor and its potential be preserved until it can be developed as a transportation corridor.

2. For the above reasons, a second access should be available to the PUD should it be necessary to limit access to Multnomah Blvd. This secondary access can be gained from SW Maple-wood or SW 53rd Place.

   The impact of additional traffic generated from the PUD should be assessed when the conditional use is considered.

3. It should also be required that a setback between the units and Multnomah Blvd. be provided in order to insure an adequate buffer.

EM:bn

STAFF REPORT

P.C. File: 6445

Committee Meeting: June 24, 1975

Applicant: Wirthmore Homes, deedholder

Zone Change Request: R5 to A2.5

Location: 1124 NE 57th Avenue, north of NE Hassalo Street

Legal Description: Lots 7 and 8, Block 3, Normandale

Petition Percentage: 54.3% (park excluded)

Quarter Section: 2936

Applicant's Proposal: To construct a duplex on this 4,750 sq. ft. parcel.

SV:NW:st

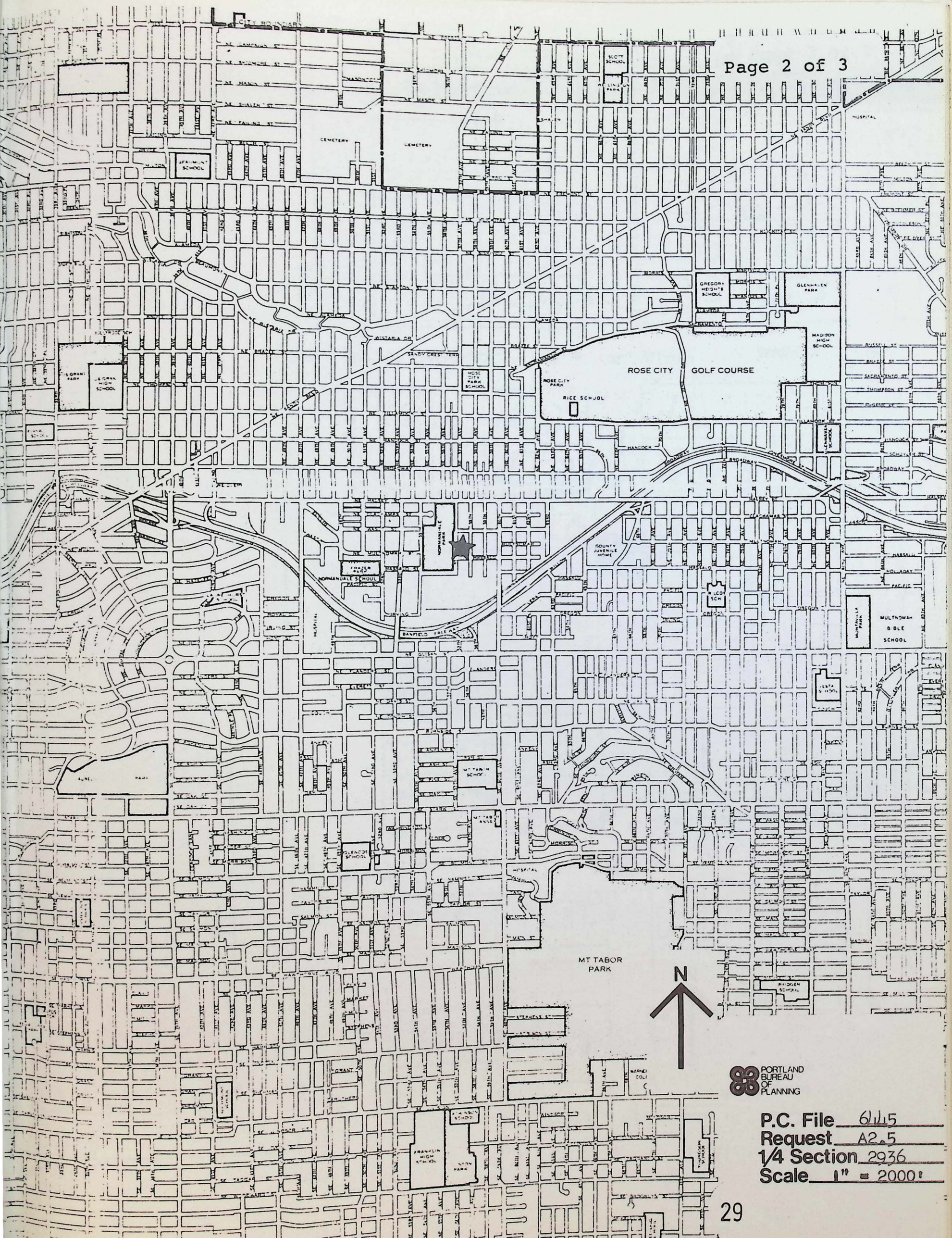
RECONSIDERATION

Commission Meeting: August 5, 1975

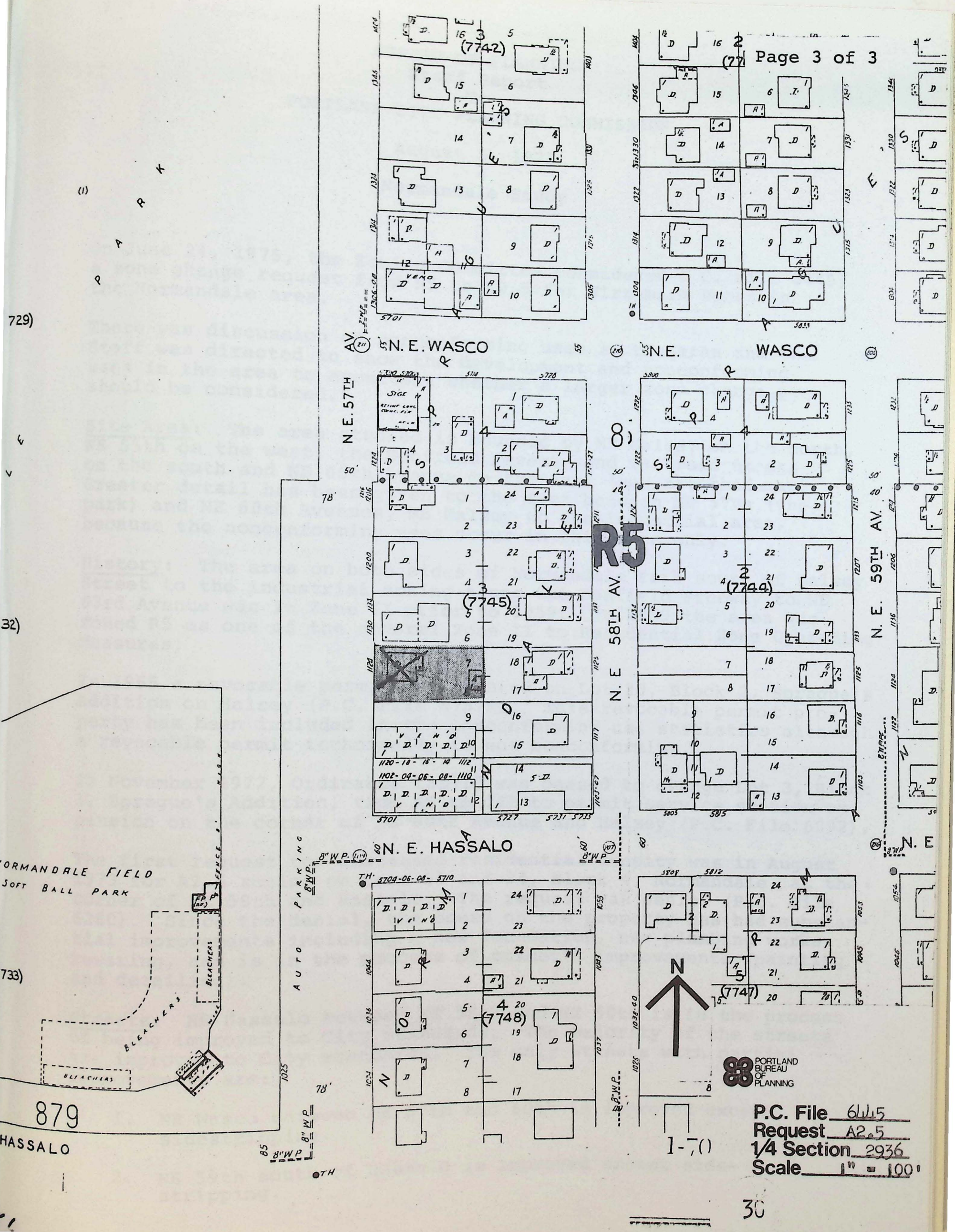
The Zoning Committee considered this request on June 24, 1975. The matter was referred to the full Planning Commission because of a split vote, and the Bureau of Planning Staff was directed to prepare a study of zoning and nonconforming uses in the Normandale area.

The Normandale Study is included with this report.

E.1



P.C. File 6145
Request A2.5
1/4 Section 2936
Scale 1" = 2000'


N.E. WASCO
N.E. WASCO
N.E. 57TH AV.
N.E. 58TH AV.
N.E. 59TH AV.
N.E. HASSALO
N.E. HASSALO
AUTO PARKING
FORMANDALE FIELD
SOFT BALL PARK
BLEACHERS
879
HASSALO
R5
N
1-70
(7742)
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(7744)
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(7747)
PORTLAND BUREAU OF PLANNING
P.C. File 6445
Request A2.5
1/4 Section 2936
Scale 1" = 100'

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

August 5, 1975

Normandale Study

On June 24, 1975, the Zoning Committee considered P.C. File 6445, a zone change request from R5 to A2.5 for Wirthmore Homes in the Normandale area.

There was discussion of nonconforming uses in the area and the Staff was directed to show the development and nonconforming uses in the area to ascertain whether a larger zone change area should be considered.

Site Area: The area studied is bounded by NE Halsey on the north, NE 55th on the west, the Banfield Freeway and railroad tracks on the south and NE 60th Avenue on the east (see attached map). Greater detail has been given to the area between NE 57th (the park) and NE 60th Avenues, NE Halsey to the industrial area, because the nonconforming uses occur in this area only.

History: The area on both sides of Normandale Park south of Halsey Street to the industrial zoning along the Banfield Freeway to NE 63rd Avenue was in Zone II prior to 1959. In 1959 the area was zoned R5 as one of the several Zone II to Residential Zone Upgrading Measures.

In 1965 a revocable permit was granted on Lot 20, Block 2, Sprague's Addition on Halsey (P.C. File 4757R). This revocable permit property has been included in the nonconforming use statistics although a revocable permit technically is not nonconforming.

In November 1972, Ordinance 135510 was passed to change Lot 3, Block 1, Sprague's Addition, from R5 to C2B to permit service station expansion on the corner of NE 60th Avenue and Halsey (P.C. File 6092).

The first request for increased residential density was in August 1973 for A2.5 zoning on Lots 23 and 24, Block 4, Normandale, at the corner of NE 58th and Hassalo. The request was denied (P.C. File 6280). Since the denial, the house on the property has had substantial improvements including a new foundation, new plumbing works, rewiring, and is in the process of cosmetic improvements (painting and detailing).

Streets: NE Hassalo between NE 58th and NE 60th is in the process of being improved to City standards. The majority of the streets are improved to City standards. The only streets with partial improvements are:

1. NE Wasco between NE 57th and 60th is improved except sidestripping.

2. NE 59th south of Hassalo is improved except sidestripping.

S7

3. NE 55th Avenue, the western boundary of this study, is improved with a paved strip only from NE Halsey Street to NE Hassalo Street.

Existing Land Uses: Within the M2S zone are a variety of manufacturing businesses, warehouses and offices. In the western portion of the study area is the 14.39 acre Normandale Park. There is a pocket of A2.5 zoning at the corner of NE Halsey and NE 55th in the northwest corner of the park. Between NE 57th Avenue and 60th Avenue, south of NE Halsey in zone R5 are 118 single-family dwellings, 8 duplexes, 4 lots with over A2.5 density, one storage garage and one residential dwelling with a revocable permit for commercial use on Halsey. There is a service station on the corner of NE Halsey Street and 60th Avenue, zoned C2.

Vacant Land: There are three vacant parcels in the neighborhood.

1. Lot 14, Block 3, Sprague's Addition is owned by the owner of Lot 15 and is used as a large garden-side yard.

2. Lots 7 and 8, Block 2, Normandale, is owned by the owner of Lots 5 and 6 and is a large garden-side yard too.

3. The applicant's property on Lots 7 and 8 is vacant as the dwelling on the site burned down last year. After the fire, the site was cleared. This is the only vacant lot held in separate ownership from any abutting lots.

Nonconforming Use: Between NE 57th and 60th, NE Halsey to the Industrial Area there are 97,500± sq. ft. of nonconforming uses or 9+% of the 9-block area. There are:

Residential Nonconforming Use

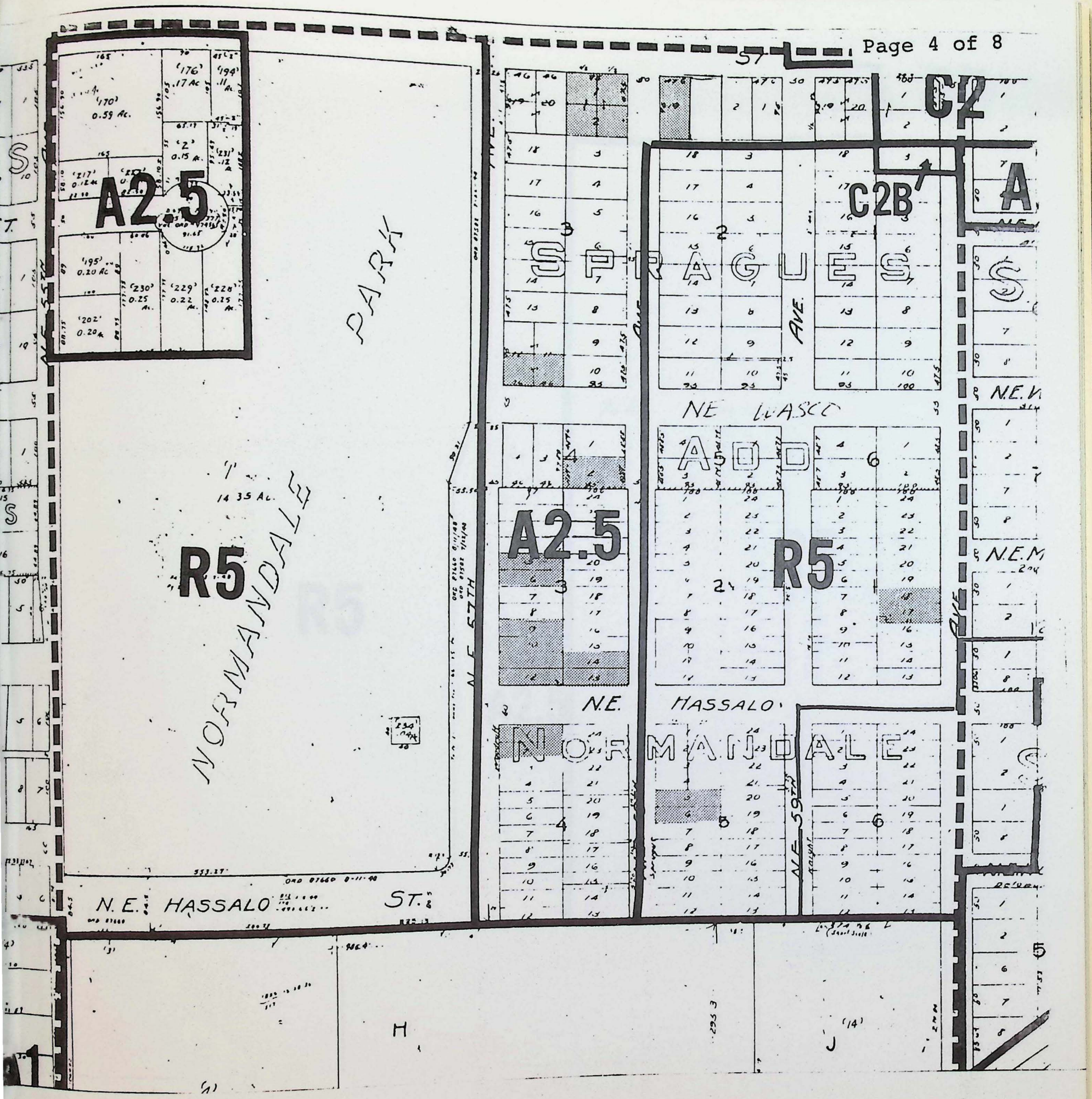
8 duplex lots or 5.5%
4 lots of apartment complexes at A1 or greater density, 2.7%

Non-residential Use

1 nonconforming storage building, 0.3%
1 residential dwelling with a revocable permit for commercial use, 0.6%

Attached are five possible zoning patterns. Because the non-residential uses would not be changed by any residential zone changes, only residential nonconforming uses are noted in the 5 zoning patterns.

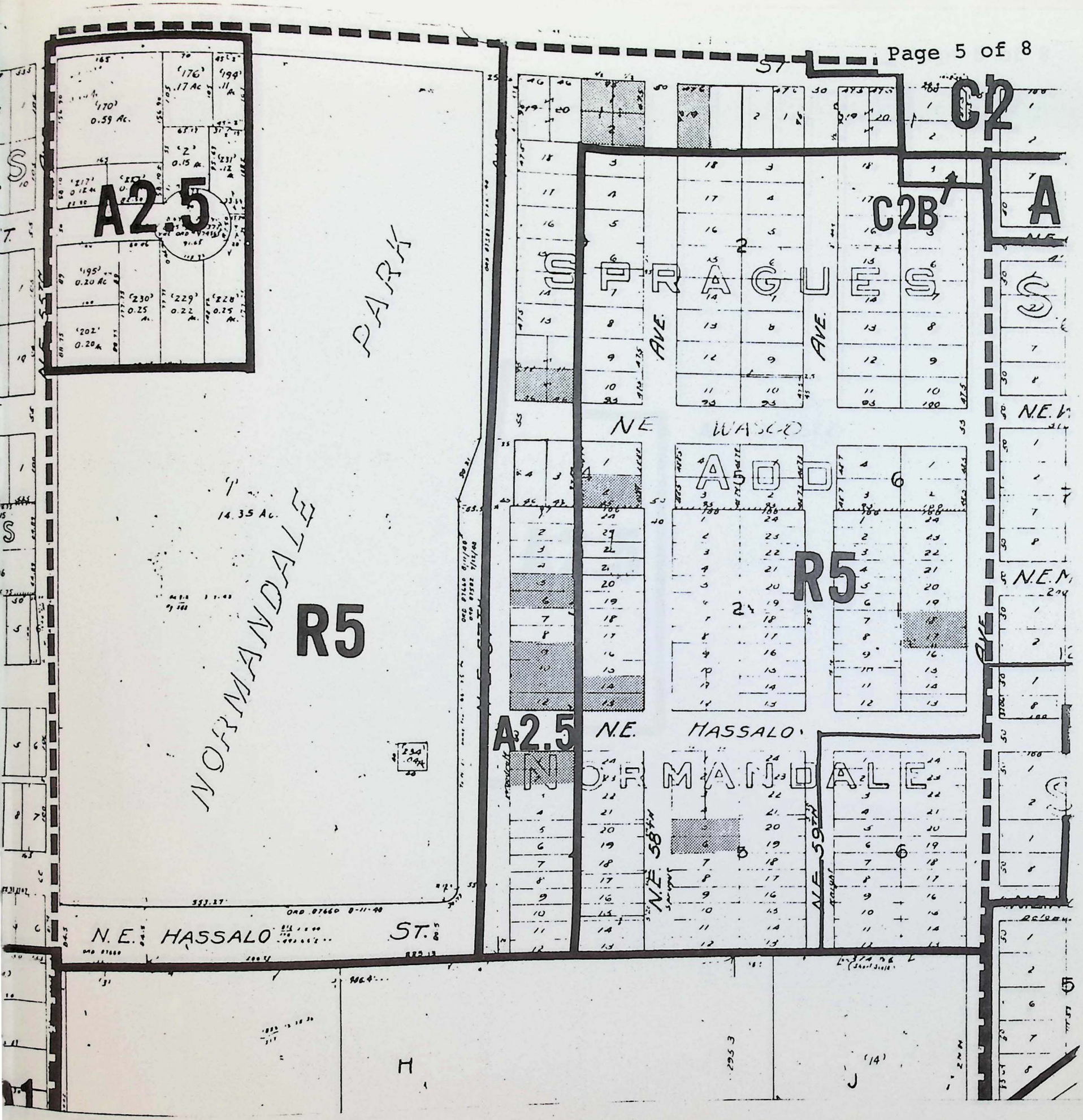
SV:NW:st



Pattern #1

This proposal changes the property between NE 57th and 58th and the property within 100 ft. of Halsey to A2.5 zoning. With this proposal, the R5 zone would contain 2 nonconforming duplex lots. The A2.5 zone change area would contain:

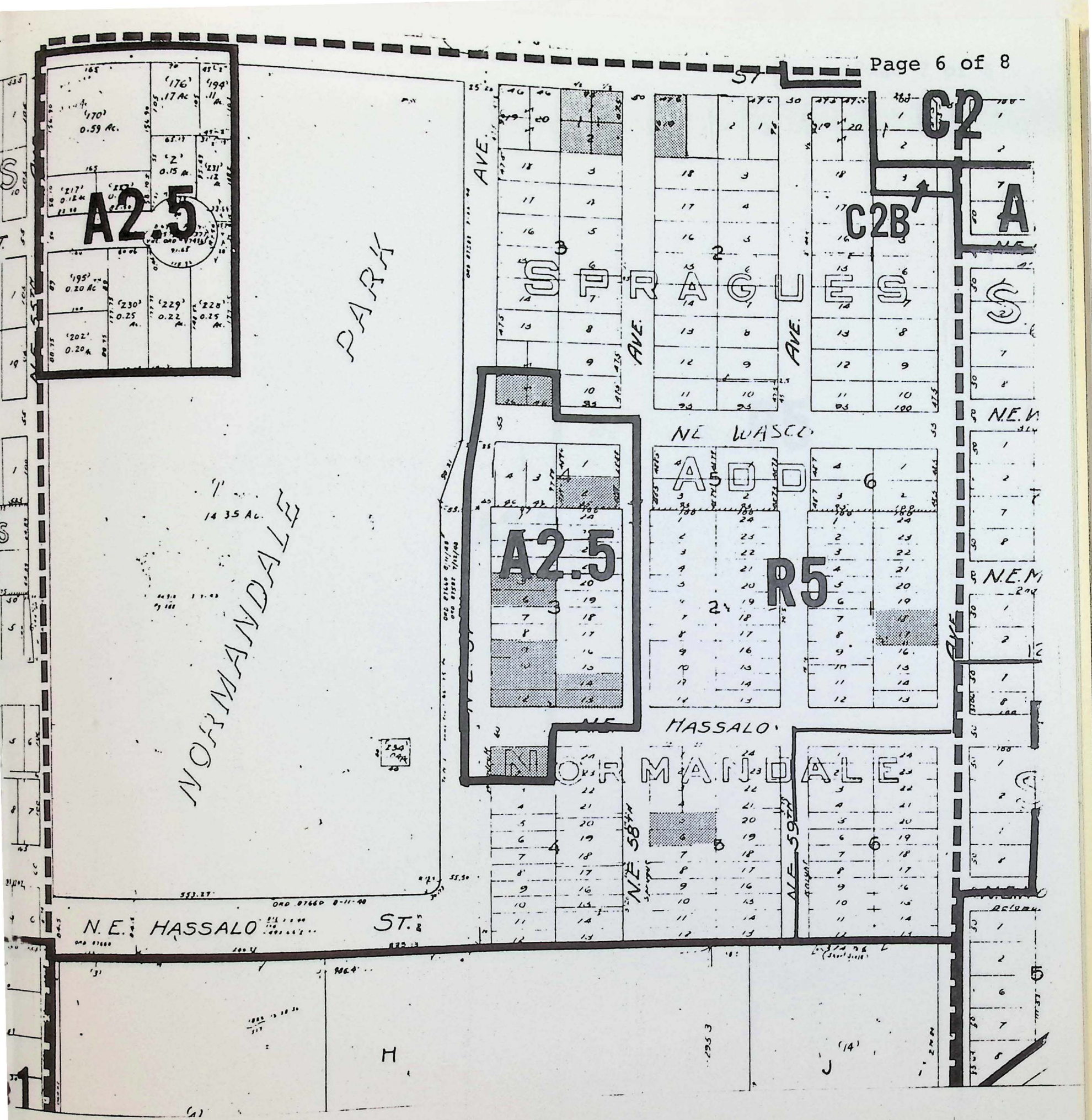
4 nonconforming lots of apartments
6 duplexes which would become conforming
38 single-family dwellings



Pattern #2

This proposal changes the property fronting on 57th and Halsey only to A2.5. With this proposal, the R5 zone would contain the following nonconforming uses: 3 duplexes and 1 five-plex. The A2.5 zone change area would contain:

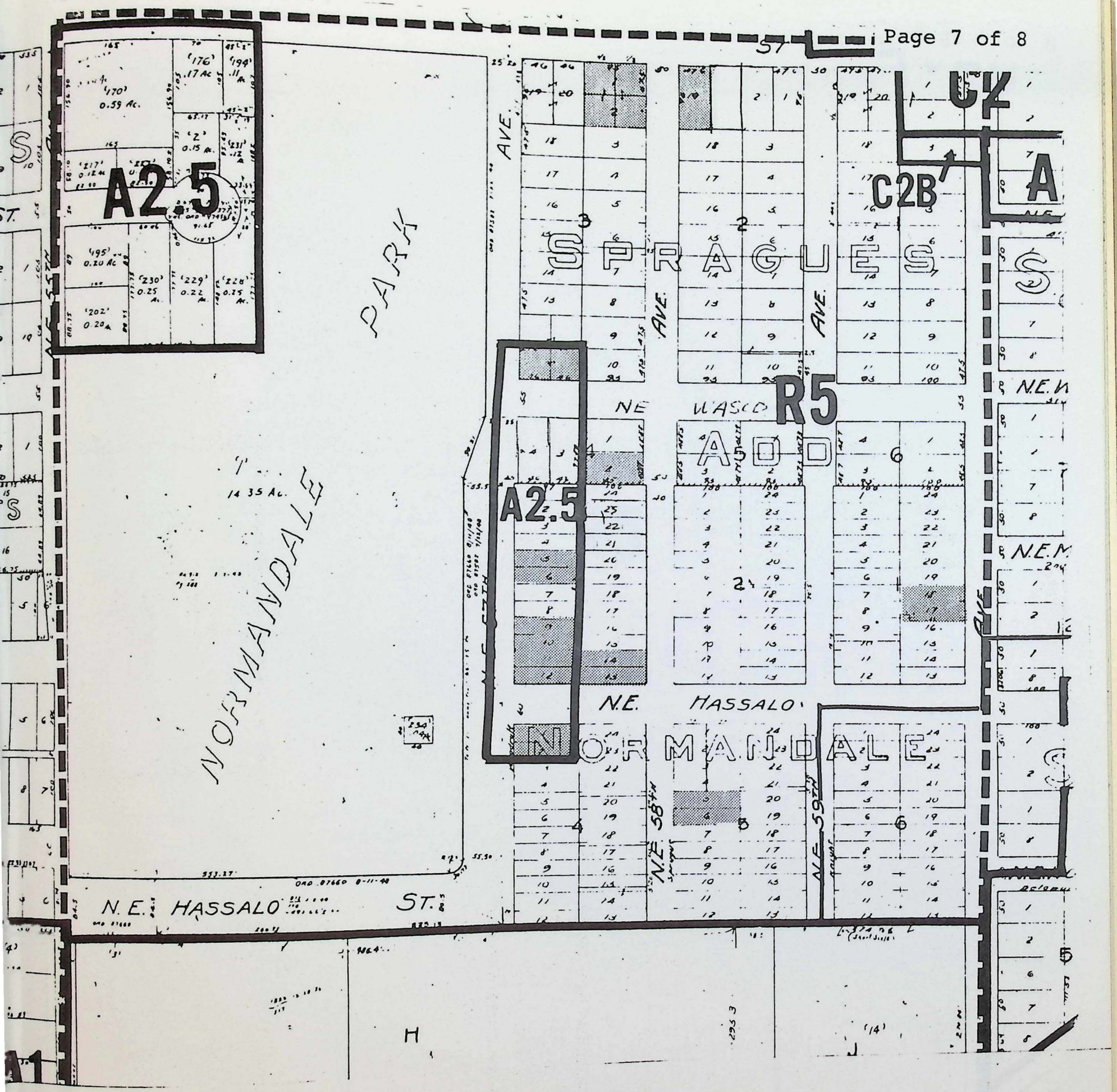
3 nonconforming apartment lots (19 units)
5 duplexes which would become conforming
19 single-family dwellings



Pattern #3

This proposal would change the block from NE 57th to NE 58th, NE Hassalo to Wasco with the addition of 2 apartment lots in adjacent blocks. The R5 zone would contain the nonconforming 5 duplexes. The A2.5 zone would contain:

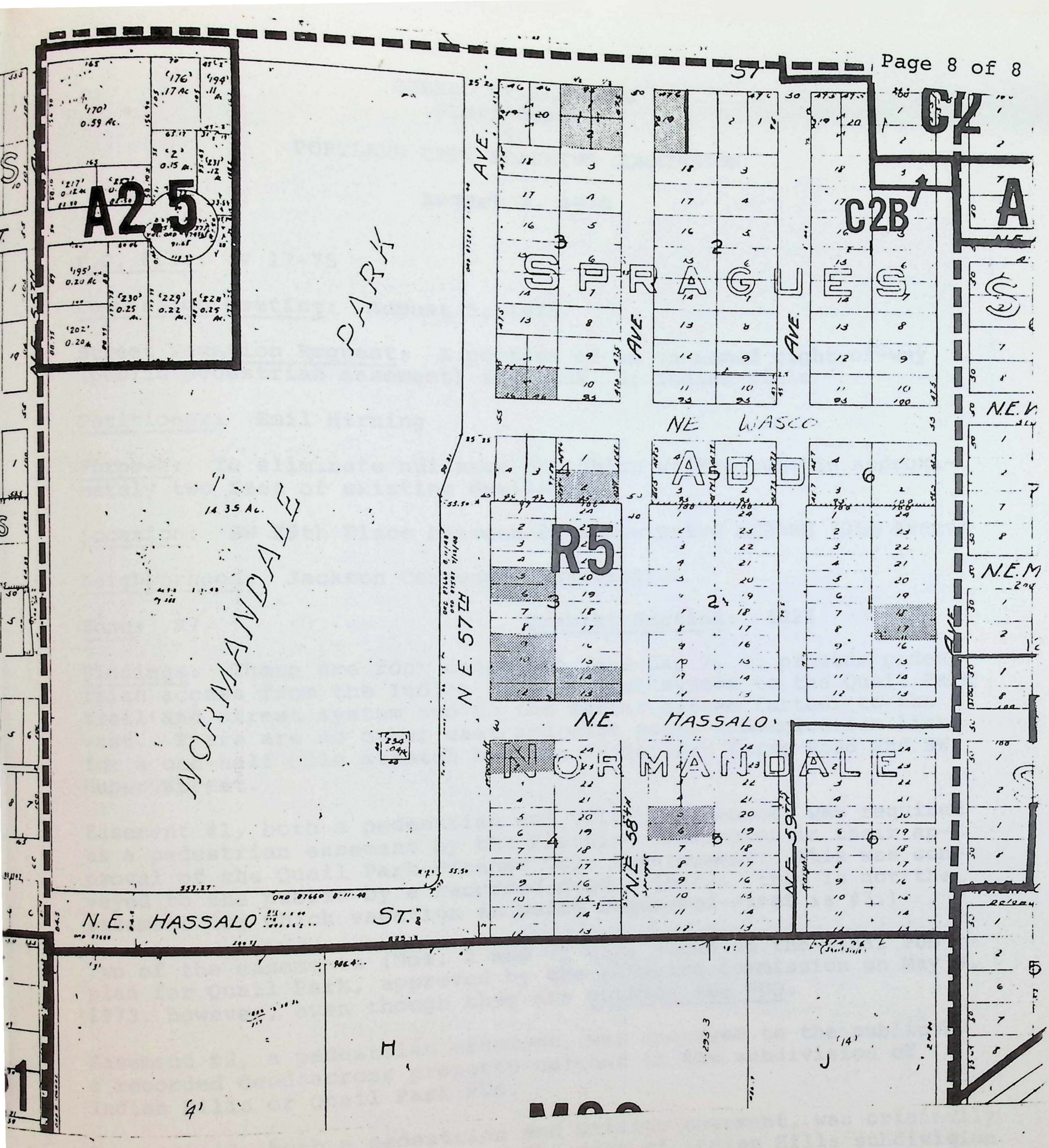
4 nonconforming apartment lots (19 units)
3 duplexes would then conform
9 single-family dwellings



Pattern #4

This proposal would change to A2.5 those properties fronting on NE 57th Avenue from one lot north of NE Wasco to one lot south of NE Hassalo Streets. Nonconforming uses remaining in the R5 zone would be: 1 5-plex, and 6 duplexes. Included in the A2.5 zone would be:

3 nonconforming apartment lots (14 units)
2 duplexes which would then conform
3 single-family dwellings



Pattern #5

No change. The area would remain R5 with the existing nonconforming structures remaining nonconforming.

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

August 5, 1975

P.C. File: V 17-75

Commission Meeting: August 5, 1975

Street Vacation Request: A portion of an un-named right-of-way (public pedestrian easement) in Block 13, Indian Hills

Petitioner: Emil Hirning

Purpose: To eliminate nuisance of public walkway within approximately two feet of existing dwellings

Location: SW 29th Place between SW Ridge Drive and SW 30th Avenue

Neighborhood: Jackson Community Association

Zone: R7 Quarter Section: 4026

Findings: There are four easements (see Map 2) to provide pedestrian access from the Indian Hills street system to the Quail Park trail and street system and to the street system further to the east. There are no other east and west cross-communication links for a one-half mile stretch between SW Taylors Ferry Road and SW Huber Street.

Easement #1, both a pedestrian and utility easement, was required as a pedestrian easement by the Planning Commission in their approval of the Quail Park Planned Unit Development. This was conveyed to the public by a recorded deed. (Note: this is not the easement for which vacation is being requested--that is #3.)

Two of the easements (Nos. 2 and 3) were shown on the final PUD plan for Quail Park, approved by the Planning Commission on May 8, 1973, however, even though they are outside the PUD.

Easement #2, a pedestrian easement, was conveyed to the public by a recorded deed across property neither in the subdivision of Indian Hills or Quail Park PUD.

Easement #3, both a pedestrian and utility easement, was originally shown as a utility easement on the plat of Indian Hills subdivision (Fractional Blocks 13 and 14, as recorded), and was conveyed to the public as both a pedestrian and utility easement by a recorded deed.

Easement #4, a pedestrian easement, was shown as such on the plat of Indian Hills subdivision (Fractional Blocks 13 and 14, as recorded).

None of the four easements are developed with an improved walkway. Only easements Nos. 3 and 4 have houses constructed adjacent to them. Easements Nos. 1 and 3 contain storm water sewer outfalls.

Besides the above four pedestrian easements, there also exists a 20 ft. easement for utility, pedestrian and drainage conveyed to the public by recorded deed along the rear lot lines of Lots 2 through 13 inclusive, Block 13, Indian Hills. This is in addition to a public walkway adjacent to these lots in Quail Park PUD.

Discussion: This request is to vacate easement #3. Requests may be forthcoming for the vacation of at least one and perhaps all of the others.

The reason for desiring the vacation is basically that the houses were built within a foot or two of the easement and then, later, the purchasers discovered the existence of the easement and became alarmed at the possibility of pedestrian traffic within a foot or two of their houses and across their properties.

The vacation of one easement would set a precedent that would make it very difficult to justify denying other such requests, at least until arriving at the last one.

Some pedestrian link between Indian Hills and the Quail Park PUD seems very desirable. Without it, all east and west pedestrian communication is precluded for a distance of one-half mile between SW Taylors Ferry Road and SW Huber Street.

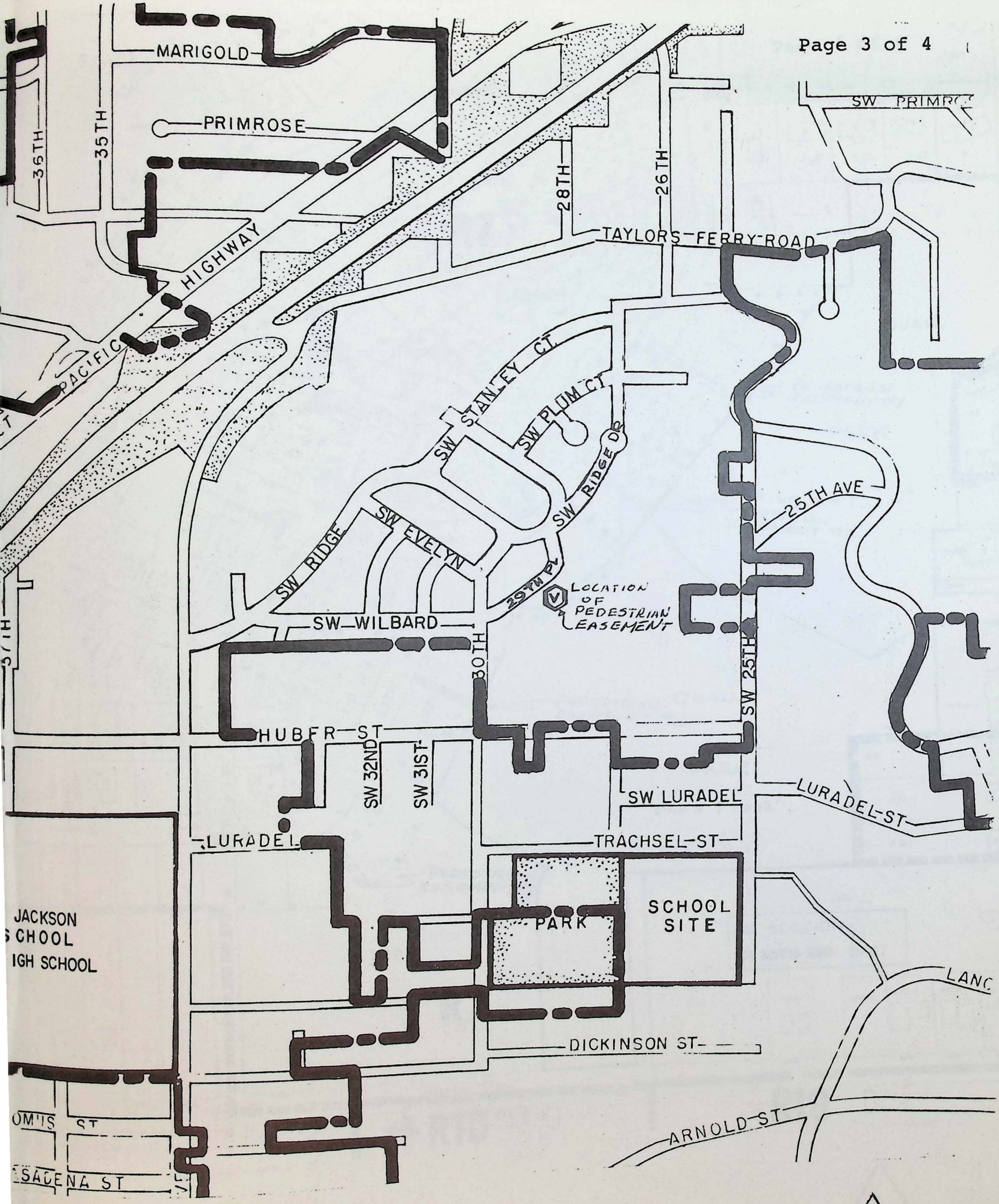
Easement #2 seems to be the most necessary from the point of view of a circulation pattern since it lies nearly midway in the above-mentioned one-half mile distance. Neither of the lots abutting easement #2 are developed and are owned by Tualatin Development Company, the developers of Quail Park PUD.

Recommendation: Approval of the vacation of a portion of the pedestrian easement (No. 3) as requested, upon the successful completion of negotiation for an adequate deed and improvement for pedestrian easement #2. The approval of the vacation after successful completion of the negotiation is recommended because it will then no longer be needed for public access, and its vacation will be beneficial to the petitioner and the neighborhood.

Also, approval in advance is recommended for the vacation of pedestrian easements (not utility) Nos. 1 and 4 since, upon the successful completion of negotiation for pedestrian easement #2, their vacations would also be beneficial to the adjacent property owners and will not be needed by the public.

The retention of pedestrian easement #2 is recommended since this easement is needed by the public for an east and west communication link between the Indian Hills residences and the Quail Park PUD residences. An adequate deed either to the City or to Quail Park PUD with an immediate improvement of the walkway is being negotiated.

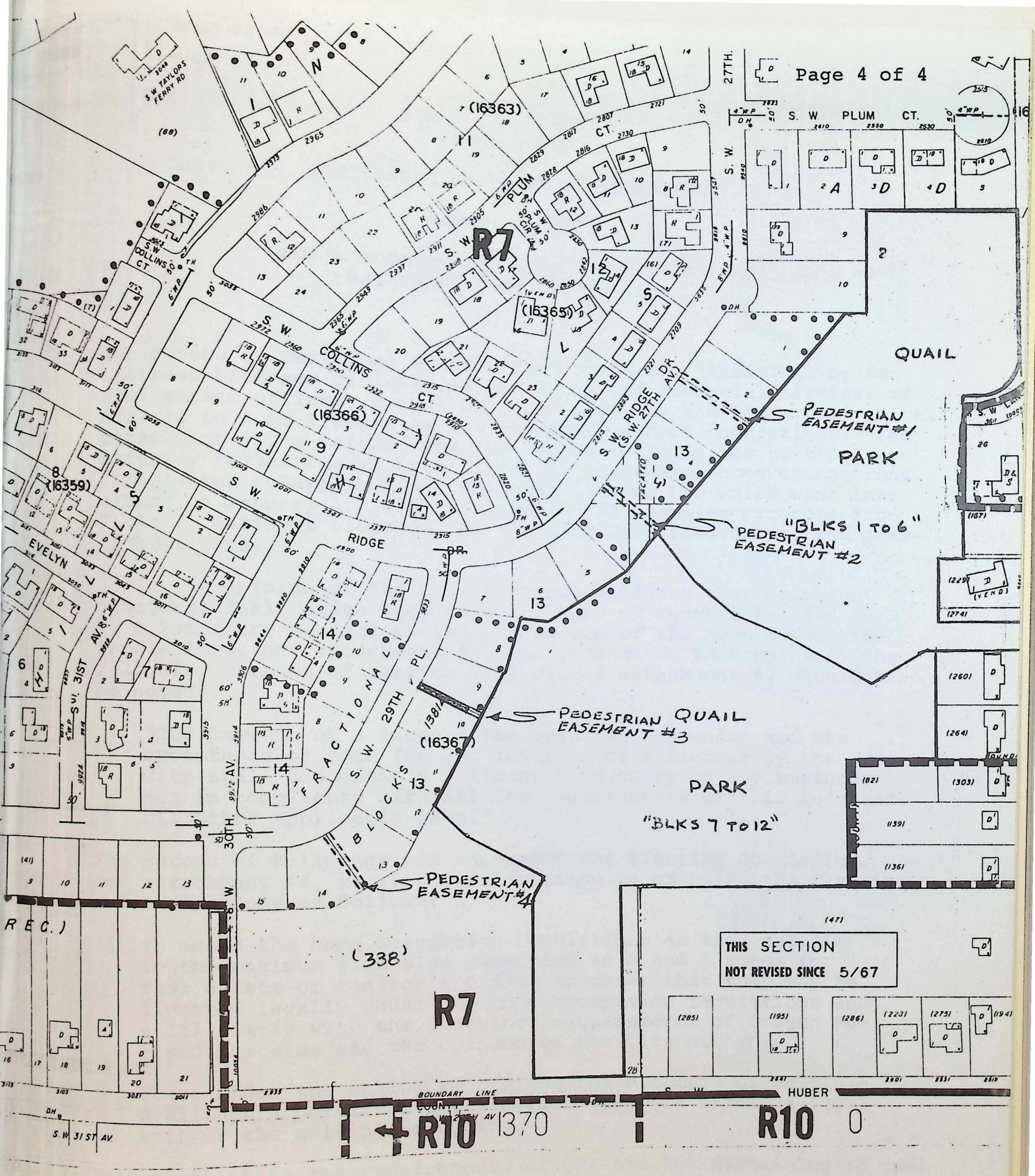
RA:st



P.C. File: V 17-75

Street Vacation Request: Un-named right-of-way (public walkway) in Block 13, Indian Hills

Petitioner: Emil Hirning



P.C. File: V 17-75

Street Vacation Request: Un-named right-of-way (public walkway) in Block 13, Indian Hills

Petitioner: Emil Hirning

NORTH

MAP (2)

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

August 5, 1975

Code Amendment and Code Interpretation
Regarding Home Occupations

The Bureau of Buildings is concerned about the licensing, by the Business Licenses Division of the Bureau of Financial Affairs, of real estate offices, rental property offices, and commercial rental offices in R or A zones as they pertain to home occupations. See attachment #1, a letter from the Bureau of Buildings to the City Attorney requesting an interpretation concerning home occupations. This letter refers to a new Business License Law which went into effect on January 1, 1975. Attachment #2 contains excerpts from Title 7, Business Licenses, of the City Code relevant to the question at hand.

It is the opinion of the City Attorney's Office that apartment managers, real estate people, collectors of rentals located in R or A zones are subject to the provisions of the home occupation regulations, see attachment #3. In regards to this opinion, the following portion of Section 7.02.010 of attachment #2 should also be noted:

> "The payment of a license fee required hereunder and the acceptance of such fee and issuance of a license by the City shall not entitle a licensee to carry on any business not in compliance with all the requirements of this code and all other applicable laws."

The Bureau of Buildings has requested the Planning Commission, see attachment #4, to give consideration to amending the Planning and Zoning Code as follows:

(1) To amend the home occupation regulations as they pertain to the maximum size sign permitted in R and A zones for real estate or realtor's office in order that they may be licensed legally under the home occupation regulations and still comply with the statutory requirements of Oregon Revised Statutes and the opinion of the City Attorney.

(2) To consider the making of offices for managers of multiple dwellings a permitted use provided they are within a legal unit of the multiple dwelling.

Attachment #5 is the requirements of ORS 696.200 pertaining to real estate brokers. This section is referred to by the Bureau of Buildings in their letter (attachment #4). A search of ORS Title 52, Occupations and Professions, fails to reveal any other occupations or professions that are required to display a sign, although

for some uses, if a sign is provided, certain specific words designating the profession or calling are required.

Possible Code Amendment

-Sign-

Discussion: Presently the regulations for home occupations in R or A zones has the following stipulation:

> (10) Signs advertising a home occupation or any aspect thereof shall be prohibited. A name plate, not exceeding three-quarters square foot in area indicating only the name of the occupant shall be permitted, however.

While the sign size appears to be small, the size is in keeping with the residential characteristics of an R or A zone. It can be demonstrated that the size of such sign is not a deterrent for real estate people in meeting the ORS regulations. The portion of the ORS regulations which would cause a conflict is "designate such place of business by a sign which shall contain the name under which he conducts his business, together with the words 'Real Estate,' or if a member of the National Association of Real Estate Boards, he may use the word 'Realtor,'" since the home occupation regulation permits only the name of the occupant.

It would also be convenient for other types of home occupations to be permitted a sign designating the nature of their business, profession, or calling; e.g., architect, accountant, dressmaker, etc. There have been occasions when revocable permits have been granted for signs designating home occupations.

There are two other Planning and Zoning Code regulations which should be noted:

(1) In all R and A zones: Signs permitted. (a) One indirectly lighted or transparency name plate for each dwelling, not exceeding three-quarters of a square foot in area, indicating the name of the occupant.

(2) Yard Regulations, Section 33.90.010: (i) Name plates, bulletin boards or signs appertaining to the prospective sale, lease, or rental of the premises on which they are located, as permitted in this title, shall be allowed in any required front, side, or rear yard.

Recommendation: The Staff believes the size of the home occupation sign should remain unchanged, but such use be permitted a sign designating the nature of the business, profession, or calling.

Recommended Amendment: Section (Respective number of each R and A Zones, e.g., 33.26.230)(10) Sign: A home occupation shall be

permitted one nonilluminated or indirectly illuminated, non-flashing sign, not exceeding three-quarters of a square foot in area, bearing the name of the occupant and/or a designation of any authorized home occupation, business, profession or calling conducted on the site. Such sign shall be in lieu of, not in addition to, any sign permitted by Section (Respective number of each R or A Zones, e.g., 33.26.120)(a).

Possible Code Interpretation

-Apartment Dwelling Office-

Discussion: Under Section 33.12.090, "apartment dwelling" means a building or portion thereof, designed for occupancy by three or more families living independently of each other.

It is generally recognized that the majority of apartments, especially the larger ones, have designated or hired a person, who resides on the premises, as a manager. These managers may collect the rents and show the units to prospective tenants that are for rent besides performing other duties such as general maintenance, complaints, etc.

Recommendation: The Staff believes that instead of requiring a home occupation permit or amending the Planning and Zoning Code for such manager's office that a code interpretation would be more appropriate since such accessory offices are normally an integral, necessary and inevitable part of the operation of an apartment building.

Recommended Interpretation: As principal uses, "apartment dwellings" or multi-family dwellings" include office space required for the management thereof, including the collection of rents and the showing of units to prospective tenants, whether such office space be located within the manager's apartment or in a separate room or rooms set aside for the purpose.

RA:st

May 6, 1975

Bureau of Buildings--C. N. Christiansen

Office of City Attorney

Mr. John Osburn, City Attorney

Interpretation concerning home occupations

Dear Mr. Osburn:

The Bureau of Buildings requests an opinion on the legality of licenses being issued in residential zones (R and A Zones) for real estate offices, rental property offices, and commercial rental offices.

Real estate offices and various rental collection agencies are permitted uses in C-1 Zones under Section 33.44.020 and in C-2 under Section 33.42.020, and in M Zones, but they are not permitted uses in R or A Zones.

Real estate offices have never been permitted as home occupations in residential zones because of a requirement of the State that their offices be identified by a sign. Planning and Zoning regulations do not permit the display of a sign larger than three-quarters square foot in area indicating only the person's name.

The recent adoption of the new Business License Law, Ordinance No. 139106, includes requirements for licensing in several new categories, such as rental property and commercial rentals. Obviously, managers of apartment buildings and individuals owning income properties have been collecting fees and interviewing prospective tenants right along in R and A zones.

Under the present system, licenses are issued without a check of the zone, and we are in a position of either approving these businesses as home occupations when in residential zones or requesting their discontinuance.

Home occupation provisions require local option approval amounting to 75 per cent of the property within 100 feet from the outside dimensions of the lot and the payment of a $10 fee.

We respectfully request your opinion on whether or not apartment managers, real estate people, and collectors of rentals located

ATTACHMENT #1

In R and A Zones should be asked to comply with home occupation regulations, including sign limitations, and local option approval. The bulk of licenses issued in residential districts included in the weekly print-out furnished us by the License Division are in the real estate category.

Yours truly,

C. N. CHRISTIANSEN
BUILDING INSPECTIONS DIRECTOR

CNC:hl
cc

BUSINESS LICENSES

Chapter 7.02

BUSINESS LICENSE LAW CONSTRUCTION & GENERAL DEFINITIONS

7.02.010 Fees for revenue. The term "license" as used in the Business License Law shall not be construed to mean a permit. The fees prescribed herein are for revenue purposes, and are not regulatory permit fees. The payment of a license fee required hereunder and the acceptance of such fee and issuance of a license by the City shall not entitle a licensee to carry on any business not in compliance with all the requirements of this code and all other applicable laws.

7.02.050 Do business–Business. (a) To "do business" means to engage in any activity or activities in pursuit of gain including but not limited to any transaction involving the sale or rental of property, the manufacture of goods, or the sale or rendering of services, other than as an employee, whether such business is conducted as an owner or by means of an officer, agent, manager, employee, servant or lessee or any of them.

(b) "Business" means all such activities, whether related or unrelated, of a licensee.

(c) Services performed by an individual for remuneration, whether or not paid directly by the employer, are deemed to be employment hereunder unless: (1) Such individual is a licensee or is expressly exempt from license requirements under Section 7.06.030; or

(2) Such individual customarily is engaged in an independently established business of the same nature as that involved in the contract of service.

Chapter 7.06

LICENSE REQUIREMENTS & APPLICATIONS

7.06.010 License required. No person shall do business within the City unless such person shall have first paid a license fee under Chapter 7.08 and obtained a license under the Business License Law. In the event that a court of competent jurisdiction determines that the requirement to obtain a license hereby imposed is unconstitutional with respect to any person, such person shall pay a tax determined as provided in Chapter 7.08 with respect to license fees.

7.06.020 Presumption created by advertising. Any person who by advertising or otherwise professes to be doing business within the City shall be presumed to be doing business within the City.

7.06.030 Exemptions from license requirements. The following persons are exempt from the license requirements imposed by the Business License Law:

(1) Persons whom the City is prohibited from licensing or taxing under the constitution or laws of the United States, the constitution or laws of the State of Oregon, or the Charter of the City.

(2) Persons subject to Chapter 7.12 or 7.14.

(3) Persons whose only business transactions in the City consist of the following:

A. The sale of real property not held primarily for sale to customers in the ordinary course of trade or business;

B. The sale of personal property acquired for household or other personal use by the seller;

C. Investments in businesses within and without the City on account of which such persons receive only interest and dividends; and

D. The renting or leasing of residential real property, provided that the beneficial owner of such real property does not rent or lease more than three dwelling units within the City, and that such renting or leasing is unrelated to any other licensed business of such beneficial owner.

(4) Persons whose gross receipts from all business both within and without the City amount to less than two thousand five hundred dollars in any one calendar year, provided that any such person shall file with the Division upon demand a statement indicating that he estimates his gross receipts for such year to be less than two thousand five hundred dollars. If such person shall have been exempt hereunder during the prior calendar year he shall furthermore file a statement that his gross receipts for such year were less than two thousand five hundred dollars or indicating the amount thereof.

(5) Corporations exempt from the Oregon Corporation Excise Tax under ORS 317.080, provided that any such corporation subject to the tax on unrelated business income under ORS 317.910 to 317.950 shall obtain a license hereunder and shall pay a license fee based solely on such income.

ATTACHMENT #2

THE CITY OF
PORTLAND
OREGON

OFFICE OF
CITY ATTORNEY

JOHN W. OSBURN
CITY ATTORNEY

1220 S.W. FIFTH AVE.
PORTLAND, OR 97204
503-248-4047

INTEROFFICE MEMO

Date: June 2, 1975

To: C. N. Christiansen
Building Inspections Director

Subject: Interpretation Concerning Home Occupations

Dear Mr. Christiansen:

This letter responds to yours of May 6, 1975, in which you ask "whether or not apartment managers, real estate people, and collectors of rentals located in R and A Zones should be asked to comply with home occupation regulations, including sign limitations, and local option approval."

I intepret your questions to be whether or not these uses are, in fact, home occupations. Home occupation is defined at §33.12.350 of the code as:

> "'Home occupation' means a lawful profession, craft, or service permitted, under such terms and conditions as are specified in this title, to be carried on within a dwelling or on the same lot as a dwelling as an accessory or secondary activity to the use of the dwelling for dwelling purposes."

A better definition of a home occupation can be gleaned from §33.26.230 which lists the specific uses and the conditions of the use. Without regard to whether the definition contained in Chapter 33.12 or that contained in Chapter 33.26 is used, businesses such as apartment managers, real estate people, and collectors of rentals, etc. are home occupations and shall meet the requirements contained in §33.26.230.

If is therefore our opinion that apartment managers, real estate people, collectors of rentals located in R and A Zones are subject to the provisions of the home occupation regulations and enforcement thereof is dictated by the code.

Very truly yours,

DONALD C. JEFFERY
Sr. Deputy City Attorney

DCJ:at

ATTACHMENT #3

CITY OF PORTLAND

INTER-OFFICE CORRESPONDENCE

(NOT FOR MAILING)

June 9, 1975

From Bureau of Buildings

To City Planning Commission

Addressed to Mr. Ernie Bonner

Subject Planning and Zoning provisions on home occupations

Dear Ernie:

Provisions of the new License Code require that licenses be collected from apartment managers, real estate people, and collectors of rentals. Many of these licenses are issued in R and A Zones, and the Bureau of Buildings, therefore, requested an opinion from the City Attorney whether or not these persons were subject to the provisions of the home occupation regulations. A copy of his reply is attached.

Also enclosed is a copy of ORS 96.200 which requires that each real estate office or place of business to be designated by a sign containing the name under which the person conducts his business together with the words "Real Estate" or "Realtor", with the restriction that "Such sign shall be written in letters not less than one inch in height and placed so that it can easily be observed and read by anyone entering the place of business." Please note that this section covers the minimum size sign and not the maximum size.

I would like you to give consideration to amending the home occupation regulations as they pertain to the maximum size sign permitted in R and A Zones for real estate or realtor's office in order that they may be licensed legally under the home occupation regulations and still comply with the statutory requirements of Oregon Revised Statutes and the opinion of the City Attorney.

In addition, consideration should be given to making offices for managers of multiple dwellings a permitted use provided they are within a legal unit of the multiple dwelling. The requiring of each apartment house manager to comply with the home occupation requirements in accordance with the City Attorney's opinion would be difficult to enforce.

ATTACHMENT #4

Page 2.
Ernie Bonner
June 9, 1975

The License Division now collects licenses from persons who have even one commercial rental or four or more residential rentals. Do you think each of these persons whose license is issued at the home in an R or A Zone should be subject to the home occupation requirements?

I would be glad to meet with you so that we could discuss this problem as soon as you find it convenient.

Yours truly,

C. N. CHRISTIANSEN
BUILDING INSPECTIONS DIRECTOR

CNC:hl
Enc.

TITLE 52

OCCUPATIONS AND PROFESSIONS

Chapter 696

Real Estate and Business Brokers; Escrow Agents

696.200 Real estate broker to maintain place of business; branch offices; removal from state; change of business location. (1) Except for nonresident brokers licensed pursuant to ORS 696.250 and associate brokers licensed pursuant to ORS 696.165, every real estate broker shall maintain in this state a place of business to be designated as his main office and designate such place of business by a sign which shall contain the name under which he conducts his business, together with the words "Real Estate," or if a member of the National Association of Real Estate Boards he may use the word "Realtor." Such sign shall be written in letters not less than one inch in height and placed so that it can easily be observed and read by anyone entering the place of business.

(2) The place of business shall be specified in the application for license, and designated in the license. No license issued under ORS 696.010 to 696.490 and 696.610 to 696.730 authorizes the licensee to transact business from any office other than that designated in the license, unless notice in writing is given to the commissioner prior to any such change of business location, designating the new location of such office, at which time the broker shall send in his license and pocket card and the licenses and pocket cards of the salesmen in his employ with the fee required by ORS 696.270 for each new license. The commissioner forthwith shall issue a new license for the new location for the unexpired period. The change of a business location without notification to the commissioner is grounds for cancellation of licenses previously issued.

(3) If a broker desires to establish one or more branch offices, he shall notify the commissioner, giving the location thereof, and pay the fee required by ORS 696.270 for each branch office to be established, whereupon the commissioner may issue a license therefor. The branch office license shall be issued in the same name that the main office license is issued, and the license must be posted in such place of business. Branch office signs shall conform with the provisions of subsection (1) of this section and the designation "Branch Office" shall be included. Each branch office shall be under the management of an associate real estate broker. The license of such broker shall state that he is associated with or employed by, as the case may be, the broker licensed to establish the branch office. Salesmen who are authorized to and who are managing a "Branch Office" for a broker on October 5, 1973, may be continued in such management for two years following October 5, 1973.

(4) Except for nonresident brokers licensed pursuant to ORS 696.250, when a broker currently licensed in Oregon terminates his Oregon residence he shall immediately surrender his broker's license to the commissioner. The commissioner shall hold the license as inactive until residency is reestablished by the broker or the license expires. Failure to surrender the license to the commissioner upon the termination of residency is grounds for cancellation of the license. All salesman's licenses in the custody of the broker at the time his residency is terminated shall be surrendered to the commissioner to be held as an inactive license or may be transferred to a qualified broker upon the payment of the fee specified in ORS 696.270. Absence from the state for a period in excess of 90 days is to be considered prima facie evidence of a termination of residency for the purpose of this section unless evidence satisfactory to the commissioner is furnished that such broker has not, in fact, changed his residence, and that such absence from the state is temporary only.

(5) Upon removal from any location it shall be his duty to see that his name or the name under which he has operated is removed from the location which he has vacated. A broker shall not display any name as such at the designated places of business named in his license or licenses other than the name under which he is licensed.

[Amended by 1955 c.322 §14; 1961 c.471 §3; 1965 c.367 §1; 1973 c.416 §7]

ATTACHMENT #5

PORTLAND CITY PLANNING COMMISSION
MEETING
SEPTEMBER, 1975

AGENDA 407

TUESDAY, SEPTEMBER 2, 1975

MEETING LOCATION:

Downstairs Auditorium
Water Services Building
510 S.W. Montgomery St.

TIME OF MEETING:

12 Noon

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 407
Tuesday, September 2, 1975
Water Services Building
510 S.W. Montgomery St.

FROM 12 NOON TO 1:00 P.M.

Commission Members' lunch, followed by the Planning Director's Report. (Open to the public, but not a hearing.)

DIRECTOR'S REPORT

1. Discussion on hearing schedule.

AFTER 1:00 P.M.

APPROVAL OF MINUTES

2. Planning Commission Minutes..... 24 June 1975
9 July 1975
5 August 1975

3. Zoning Committee Minutes..... 22 July 1975

COUNCIL ACTIONS

4. City Council actions on Planning Commission matters.

ITEMS FOR ACTION

5. 16-75, Subdivision at S.W. 56th Avenue near S.W. Multnomah Blvd., Hazen P. and Bessie L. Roeder, applicants.

6. CU 55-75, Office in AO zone; American Red Cross, applicant, 4217-19 S.W. Kelly near Bancroft. (referred from Zoning Committee)

7. 6440, Zone change request from R7 to A1, petitioned for by Alfred C. and Helen Hutchison, at S.W. Canby at vacated S.W. 42nd Avenue. (referred from Zoning Committee)

8. 6445, Zone change request from R5 to A2.5, petitioned for by Wirthmore Homes for property at 1124 N.E. 57th Avenue (referred from Zoning Committee); and Normandale Study.

9. 6449, Zone change request from R10 to R5, petitioned for by David Finck and Manfred and Anna Harter, at S.W. 53rd Avenue west of S.W. Shattuck Road. (referred from Zoning Committee)

10. Follow-up report on V 17-75 (from the August 5, 1975 meeting) recommending initiation of vacation of a pedestrian easement (oral report)

11. Zoning Code Amendments regarding Transitional Use.

Transportation Improvement Program

Informational presentation by the Columbia Region Association of Governments (CRAG) on the Transportation Improvement Program.

PORTLAND CITY PLANNING COMMISSION

Minutes of Meeting

June 24, 1975

Present: Minden, Rose', Roso, Shannon, Sheldon, Wessinger

Staff: Bonner, Wilde

Mr. Gregg Watson of the Model Cities Planning Board opened the meeting at 7:50 p.m. in the Student Union Hall of the Portland Community College, Cascade Branch. He stated that the meeting was designed as a public hearing of the Portland City Planning Commission on the Model Cities Comprehensive Plan and the Union Avenue Redevelopment Plan. Mr. Watson briefly reviewed with the Planning Commission and the audience the Comprehensive Plan relative to the proposed structure for citizen participation, policies, human resources, youth and education, busing, community schools, community funding, funding, health, senior adults, day care, law and justice, zoning, housing, locational objectives, and other ongoing programs, and the Union Avenue Redevelopment. He pointed out that this Comprehensive Plan was begun in 1971 and was finally completed in 1973.

Mr. Watson then turned the floor over to Jan Childs who presented to the Commission the section of the Model Cities Comprehensive Plan dealing with Land Use. She stated that each neighborhood plan was pulled together into one basic land use locational map. She stated that the Plan dealt with the problem of needing a specific set of guidelines that the Planning Commission, the neighborhood organizations and prospective developers will need to prepare and evaluate a request, rather than having the neighborhood organizations only looking at one or two aspects of a development, the developer looking at some aspects and the Planning Commission possibly looking at different aspects yet. She stated that there were approximately thirteen proposed areas that could be identified and evaluated which are recommended in this Plan. It was felt, she believed, that this type of approach would make for a far more equitable and far better hearing process. She stated it was felt that notification should be expanded from what it is now to include notification in the newspapers, notification of both property owners and actual residents, and in addition, have posted notifications in the neighborhood area.

She stated many ideas have come out of the Model Cities Comprehensive Plan that are now in the process of implementation. For example, the idea of a zoning hearings examiner. The concept of a zoning hearings examiner is to have such a person who actually holds hearings in the neighborhood and in the evenings so neighborhood residents could attend and be heard.

She stated the Comprehensive Plan also suggests certain technical adjustments which should also be made. Fhe obvious change would be rezoning and making additions to the zoning code. Additions to the code would include a residential variable density and a "Q" zone as described in the Comprehensive Plan. She stated that the Plan also included a suggestion for a specific designation for open space.

Mr. Watson pointed out to the Commission that the Comprehensive Plan was developed through a long and extensive review. He stated that the total expenditure in developing the Plan was approximately $60,000 and that the Model Cities Planning Board felt that was quite an investment for the Model Cities Program to make and not have action happen on that Plan since submission in 1973. He stated that it was felt it was time for the Planning Commission to make a decision as to when they are going to move on adopting the Comprehensive Plan. He then outlined a time schedule for the Commission to adopt to move the Comprehensive Plan into the final stages for adoption. The schedule as outlined by Mr. Watson would set forth a period of sixty days from the date of this hearing for staff work and at the end of the sixty days, approximately August 8th, a public notice would be sent out and then allow another thirty days until September 8th to have the final hearing on the Comprehensive Plan. Mr. Watson stated that approximately two weeks prior to the September 8th hearing, the Planning Board would like to have the staff report for their review prior to the public hearing.

At this time Mr. Watson asked each neighborhood association representative who was present to give their neighborhood's comments on the Comprehensive Plan. Most of the representatives stated they were in favor of the overall Comprehensive Plan as presented but that there should be some modifications made because of the time lag between the time the Plan was adopted by them in 1973 and the two years that have elapsed.

Mrs. Gay from the King Neighborhood felt that residents living on the strip on either side of Union Avenue, west side of Garfield and east side of Grand, should be included in the Plan. Ms. Childs stated that this problem has been addressed in the Union Avenue Redevelopment Plan and that the Plan recommends that these residents be included.

Mr. Deyampert stated that some flexibility should be put into the original Comprehensive Plan by virtue of the fact that it was made and submitted three years prior to any action by the City.

Several representatives stated that the traffic problems have yet to be ironed out and that they would like to have more input on this point.

Mr. Watson reiterated that the object of the hearing was to get citizen input and to have the Planning Commission set a time for a final hearing on the Plan.

Ms. Childs stated that the Comprehensive Plan simply states that there must be a Union Avenue Redevelopment Program but it does not detail what that program should be.

Mr. Sheldon asked Mr. Bonner to comment on the time schedule the Model Cities Planning Board had presented for the adoption of the Comprehensive Plan.

Mr. Bonner stated he had some reservations about the schedule because he felt it would take more than one public hearing to finalize the Comprehensive Plan. He stated that he felt the first hearing could be held on September 8th if the staff is able to review and report back in enough time. He stated that the staff has other planning commitments that have to be made in the City, but that they would try to make the schedule as set forth.

The question was asked whether the state had a deadline on submission of comprehensive plans for the cities. Mr. Bonner stated there was such a deadline of January 1, 1976, but that extensions would probably be allowed.

Mr. Bonner stated that by August 1st he will know from staff whether their report will be completed and ready for a September 8th public hearing and that a decision could be made to go ahead with the September 8th hearing at the end of July.

Mr. Sheldon stated that he personally and that the rest of the Commission are just as interested in seeing the Plan adopted and that he felt that the schedule proposed seemed like one that the Commission could live with. He stated he was concerned about the length of time that the final hearings may take, but that they should get started on September 8th.

ACTION: Mr. Rose' moved that staff be directed to start preparation for a September 8, 1975 public hearing on the Model Cities Comprehensive Plan.

Mr. Wessinger seconded the motion.

Ayes: Minden, Rose', Roso, Shannon, Sheldon, Wessinger

Nays: None

Motion carried unanimously.

At this time Mr. Wilde introduced to the Commission the Union Avenue Redevelopment Plan.

Mr. Deyampert asked if the Union Avenue Redevelopment Plan should be considered at the same time the Comprehensive Plan is heard.

Mr. Wilde stated that the only problem with that was that they are two rather specific issues and would probably take more than one hearing to resolve, but that it was up to the Commission to decide if they wanted to hear them concurrently.

Mr. Sheldon suggested that prior to the August 1st cutoff date that there be a meeting with Mr. Loving or other representatives of the Planning Board, Mr. Bonner and Mr. Sheldon and that they will review not only the progress the staff has made towards the September 8th hearing on the Comprehensive Plan, but the advisibility of combining the Union Avenue Redevelopment Plan with the hearing on the Model Cities Comprehensive Plan, as opposed to separate hearings, and that they would try to arrive at a joint decision between them as to whether or not that is the most advisable approach to hear the two plans. The Planning Board concurred with the suggestion of Mr. Sheldon.

Ms. Childs stated that the Union Avenue Redevelopment Working Committee recommends approval of the Plan as presented. She

stated that the Committee consisted of ten members, most of whom were from Neighborhood Organizations. Proposals made by the Committee were reviewed by the respective neighborhoods for approval and input. She stated that the recommendation for approval of the Plan was made only after the Committee members had gained approval from their individual neighborhood organizations.

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

ERB:ejb

PORTLAND CITY PLANNING COMMISSION

Verbatim Minutes of Meeting

July 9, 1975

Present: Planning Commission: Sheldon, Gustafson, Barnett, Minden, Rose', Roso, Shannon, Wessinger

Staff: O'Hiser, Vail, Harrison

The meeting was called to order by Acting Chairman Rose' at 7:35 p.m., in the Auditorium of the Water Services Building, 510 Montgomery.

MR. ROSE':

Good evening ladies and gentlemen. This is a continuation of a meeting of the Portland City Planning Commission to review the Downtown Development Regulations. Before I ask Mr. O'Hiser to resume' what's happened to date, I would like to set up a couple of rules, not the least of which is that this meeting will adjourn not later than 10:00 p.m. and we ask that if there is any input from the audience that it be confined to pertinent points that will assist the Planning Commission in resolving their opinion on a particular item. We have a very long agenda and a lot of work to do on this particular development and I would like to see that all comment is productive to that goal. With no further addition, I would like to call on Mr. O'Hiser for his resume' of what has been done to date.

At this time, Mr. Sheldon entered and took his place.

MR. O'HISER, BUREAU OF PLANNING STAFF:

Mr. Chairman, Mr. Convener of the meeting, and members of the Planning Commission. The request was made to identify the additional paper before you and I have given you a calendar and that's something I want to get to in a moment. Also, I have passed out a kind of a summary--maybe a score sheet--on three sections of the zoning ordinance that I was hoping that we could get through tonight and that's all the subsections--and if you don't have that before you, I'll make certain that you do when we get started--but it does cover the subsections by name and number of the sections of the proposed new Downtown Zoning Ordinance covering the apartment zoning, the commercial zoning, and the manufacturing zoning, the AX, C1 and MX.

Now, staff with us tonight is Mike Harrison, who is in the rear of the room, will be participating, and Spencer Vail is here to help out in case there are questions regarding the relationship of what is being proposed to the existing zoning ordinance.

MR. O'HISER (CONTD):
The reason I place the calendar in front of you is to see whether or not we should secure a couple of more dates this month. I know that you all are probably getting weary. There are a number of other things coming up in August and September, or some other things coming up in August and September so I wanted to see whether or not the 23rd or 24th of July might be open and possibly something the following week. Ernie was hopeful that we might get through this document this month, at least get through it in an initial way where if we could cover it and the staff could then assemble in one combined document all of the suggested changes that you are developing and then maybe come back for one final hearing on the revised document before it is sent on to Council. Hopefully we would try to have a kind of work session through this month. So, we felt that we would wait until tonight to see whether or not it was possible to pin down a date.

MR. ROSE':
Rod, do you have a list of the specials this month?

MR. O'HISER:
No. I guess you're open the next week and the following week.

MR. WESSINGER:
How about the 16th, or do we already have one.

MR. O'HISER:
You're already scheduled for the 16th.

MR. BARNETT:
And it's on this subject?

MR. O'HISER:
It's on development regulations and we're going to see whether or not we can't get to the use zones tonight and turn to the other big issue--that of density and height and the so-called overlay zones--next week.

After discussion, the Commission decided the next dates they would meet on the Downtown Regulations would be July 16th, 22nd and 29th.

MR. O'HISER:
We have distributed to you a very important document, it's a thicker one and it represents replacement sheets on AX and we will be working through that in just a moment and for the benefit of those of you on the other side of the table there are sections--you should pick up an AX section because we had a problem in numbering--and we will recycle these pages that we'll collect from you at the end of the meeting.

MR. ROSE':
I want to compliment staff for punching holes in them this time.

MR. O'HISER:
There are three sheets of paper that to me represent kind of a summary sheet and kind of a scorecard that determines just where we are and I am going to now tell you where I think we are in this process. I was going to draw a line through each of these as we complete them and so it's a summary of what Mike has prepared in the book--under each section in the book there is a scorecard--and this is a summary scorecard, and where we are this evening is at under AX--we're in the middle or near the end, we'll say, of .040. We've gone through a couple of those initial sections.

MR. ROSE':
We're through to .040, right.

MR. O'HISER:
And in the book, page 28, at the top upper right hand corner, AX 28, in the section, 33.36.040 Uses Permitted. Let me say, on page 29 CAC comments and we'll disregard those at this time and relocate them later on in our report. That's somebody's typographical error.
The staff recommendation on 28 is that the language be changed--and our recommendation is on page 31--that the language be changed of that of subsection 2, be modified to read "Business and service uses permitted in a C1 zone in accordance with Section 33.44.040", and this liberalizes, you might say, I suppose, the--and this is a proposal that Ernie had brought up from the floor--that the kinds of uses that you could include with your apartment development would be the same kind of uses throughout the rest of the downtown--or, excuse me, that in the C1 zone.
Mrs. Gustafson asked whether or not automobile related uses would be allowed and those are generally under Group 4 and we have included in your booklet the uses that would be allowed under each zone for your use.

MR. ROSE':
That's Group 1, number 12, right?

MR. O'HISER:
Yes, and the Group 4 uses are not indicated as an outright permitted use in a C1 zone. They are indicated as conditional, so, therefore, to answer your question, no.
Staff recommendation is adoption of this section with an amendment that I have indicated on page 31.

MOTION: Mr. Rose' moved to adopt the staff recommendation of Section 33.36.040 as amended by the Staff.

Mr. Minden seconded the motion.

MR. SHELDON:
Any discussion of adoption of 33.36.040 Uses Permitted, that is, amended to the staff's change.

MRS. GUSTAFSON:
Do you see that the effect of this might perhaps be more automobile related uses in that zone?

MR. O'HISER:
No, as I understand our language, we would only be including those that are permitted in the C1.

MRS. GUSTAFSON:
In other words, not those that are permitted under conditional use procedures?

MR. O'HISER:
No, a permitted use and the word permitted meaning that it's allowed outright.

MRS. ROSO:
What's the point of this then? (shows Mr. O'Hiser use list)

MR. O'HISER:
It's for your reference so that you can know what uses are under which...

MRS. ROSO:
In this there aren't any automobile uses listed under AX.

MR. O'HISER:
I had answered no.

MR. ROSE':
C1 zone, Group 4.

MR. SHELDON:
On page 3, the Group 4 uses begin, and then you can look under C1 or AX, and as I would read this, the only uses outright would be bicycle service, retail sales or rental.

MRS. GUSTAFSON:
No.

MR. SHELDON:
No, the recommendation is that that not be the case.

MRS. ROSO:
I have an amendment.

MR. O'HISER:
Well, again, the staff--Mr. Bonner had offered this amendment originally as an inducement for additional--to induce apartment development and we felt that the outright permitted C1 uses would represent that inducement. Whether to further list uses under a kind of a conditional use procedure would be needed to--where do you go with this and are those uses compatible with the housing district, and in the opinion of staff, it was not.

MRS. GUSTAFSON:
Are uses that were passed been permitted under previous wording that would now be excluded?

MR. SHELDON:
C4 is more restrictive than C1.

MRS. GUSTAFSON:
What I'm saying, though, is when you're getting rid of conditional uses you allow them to...

MR. O'HISER:
In other words, would there have been some Group 4 uses that would have been allowed under C4 which earlier language allowed.

MRS. GUSTAFSON:
Were all conditional uses Group 4 uses.

MR. SPENCER VAIL, BUREAU OF PLANNING STAFF:
No. In Group 4 in C2 and C1 references to certain groups back to C2. They are excluding Group 4 which are the automobile related things like truck and trailer rentals and all that kind of stuff. So, what you're saying is that you get Group 1, 2, 3, and 5 out of C2. In other words, C1 says these C2 uses are permitted uses plus these others and permitted uses are just as he spelled out in each section of the code, as are conditional uses. C4 is a very specifically a local neighborhood commercial type zone with very, very minor low-key type activities and they allow conditional uses as probably as conditional uses as most of the residential zones do--churches, schools, parks and things of that nature. It's not until you get into C2 that many of the C4 permitted uses become permitted uses.

MRS. GUSTAFSON:
So, what you're saying really is that this is permitted outright in a C1 zone, including those uses which require conditional uses.

MR. SHELDON:
That's the staff recommendation.

MR. O'HISER:
Yes.

MR. VAIL:
And if the words "permitted uses" is clear enough throughout the rest of the code as it stands today--that it has its own meaning and is specifically spelled out--that's what you can do.

MRS. GUSTAFSON:
But it may be that permitted uses are clear but uses permitted may not be.

MR. O'HISER:
Yes.

AMENDMENT: MRS. ROSO:
I have a motion to amend. I would move to amend the motion on the floor to read, accept the staff recommendation worded as "Business and service uses listed as permitted (not conditional) in a C1 zone in accordance with Section 33.44.040."

MR. SHELDON:
Is there a second to that motion to amend.

Mrs. Gustafson seconded the motion to amend.

MR. SHELDON:
Any discussion from the Commission on the motion to amend?

MR. ROSE':
Well, I would like the Commission to do a little jawing, perhaps, on reviewing Group 4 to see that the intent of the AX zone can be completely fulfilled with Groups 1, 2, 3, and 5 and that you won't deter some possible future development. I'm the first one to admit that most of those would not deter, but there are a couple of them that might.

MRS. GUSTAFSON:
Are parking garages not allowed in any residential area?

MR. ROSE':
You're talking about, you know, very general buildings. Ione Plaza is a good example that have all these mixed uses. I'm just bringing up the issue to think if you're going to restrict the development in the area in the total manner that we're trying to accomplish.

MRS. GUSTAFSON:
O.K., but you still get the parking that you get for your residential development and that coulc still be in your building or adjacent to it probably, so all you can't do is build a garage that hasn't got anything to do with the limits we've got already.

MR. ROSE':
True. How about service?

MR. MINDEN:
Where would the service stations be?

MR. SHELDON:
There wouldn't be any service stations in the AX zone.

MRS. ROSO:
I have a question for staff. I don't understand in this form, your permitted use list, you have three different designations in here, CAC recommends inclusion, consultant recommends inclusion and staff recommends inclusion and it doesn't seem to apply to what we're talking about, unless we adopt this (points to separate use list). This doesn't apply to what we're talking about--these recommendations aren't the same thing as in the book.

MR. O'HISER:
In respect to Group 4?

MRS. ROSO:
In respect to the whole thing.

MR. O'HISER:
I hope they are consistent with the recommendations.

MRS. ROSO:
Not on every page. On page 5 there are items recommended for permitted use in the C1 zone by the CAC that in actuality are conditional use in a C1 zone and if we adopt it, we're talking about they would not become a permitted use and we haven't talked about that. For instance, (26) Rescue Mission and (32) Welfare institutions...

MR. O'HISER:
We will be moving into that. I think we touched on this earlier, but we'll be back into it as we go through the book and that may be that in our recommendations since staff will be curring with the CAC recommendations and maybe you're noting it lacks a star.

MR. MINDEN:
I'm just wondering if we might not be talking ourselves into a little bit too much by completely eliminating the conditional use back-up.

MRS. GUSTAFSON:
You still have the residential conditional use, so churches and schools and all those things that would be allowed in a residential zone, you would still have. The only thing that you don't allow are those automobile uses, and the only one of those you don't allow really--I mean like all of it is clearly inappropriate except possibly people might want gas stations and to me the whole purpose of downtown apartments is that you're going to get people who are not going to be depending on cars, presumably.

MR. MINDEN:
I know this is right, but the reason I brought this up for discussion was that there is considerably less property here and I'm thinking in a case of this kind a lot of people would be living here that maybe would like to have their car serviced and so forth. I'm thinking possibly--it could possibly be at some point along the line where a conditional use might be appropriate. I'm thinking about what's the best for the people, that's what we're talking about here.

MR. ROSE':
Rod, can you answer a question. Let's take for example Ione Plaza. This is a building essentially--residential building with some commercial uses on the first floor and a little bit above, with car service and parking in the basement, and this is definitely a mixed use building. Perhaps a building that we envision might be such in the future in the AXZ zone. When you get right into it, item 2 under Group 4 which says, Garage, parking or repair, is intepreted as a development on a piece of ground or mixed development.

MR. O'HISER:
Well, we're talking about now about mixed development.

MR. ROSE':
Yes, I know we are and that's why I'm asking the question. In other words, mixed development must include, according to the rules we've set up so far in AXZ zone, at least 40% can be--or up to 40% could be C1 type use.

MR. O'HISER:
That's something we'll be touching on in a moment.

MR. ROSE':
And 60% or more or whatever we end up with would be residential. The C1 zone right now we're discussing Group 1, 2, 3, and 5 and we're talking about 4. Ione Plaza is a good example of Group 4, item 2 use, in the basement and I can visualize where perhaps two apartment buildings get built on two pieces of ground, they decide in the interest of economy or for reasons that perhaps I can't reiterate right at the moment, but they take a third block and build a building there which includes parking for both apartment buildings, service, and a lot of commercial space, then it will not fit the AXZ zone obviously. But what's the better way to do it--to have two blocks with apartments only and the other block as a service block to the facility, and I would just like to keep it open enough so that we get some ingenuity from the designers in the future so that we wind up with something better than that. That's my concern.

MR. SHELDON:
Let's put the question the other way, Rowland. Would such a proposal that Rowland has sketched result--if the proposal was for parking with gas sales only, no repair, and it were located on a separate parcel but was built as part of the development that was properly residential, etc., but on more than one block, wouldn't that, in your opinion, be a Group 4 use or would it not. I mean, if you were looking in the future--how would you classify that--no repair, but gasoline sales.

MR. ROSE':
And storage.

MR. SHELDON:
And parking.

MR. O'HISER:
Mr. Vail has given me an answer that this would be regarded as a service station.

MR. SHELDON:
All right, so it, therefore, would be...

MR. ROSE':
It would be a condition use.

MR. SHELDON:
Well, O.K., but under the current wording it wouldn't be allowed.

MR. O'HISER:
Conditional uses, under this wording, are not allowed.

MR. SHELDON:
What about if it were just a parking structure and no gasoline sales and no repair. Now what have we got?

MR. ROSE':
Illegal. Your AXZ zone tells you that.

MRS. GUSTAFSON:
No, no, you can having parking.

MR. ROSE':
You have got to have 60% residential in that same building.

MRS. GUSTAFSON:
You can having parking for the residents.

MR. O'HISER:
They were separating it on another parcel.

MR. ROSE':
We're separating it because of architectural considerations. We're separating it making it a multiple function for more than one block which has a building on it. These things, what we do here is we restrict flexibility of design and I really don't think we're all that interested in restricting flexibility of design if it's good.

MR. SHELDON:
No.

MRS. GUSTAFSON:
Are you saying that we could amend it so that we include that specific use rather than all Group 4 uses.

MR. ROSE':
I like the idea, for instance, of control on it. I like the idea, frankly, that if it's a conditional use in Group 4, just like the asterisk item which is number 1, which is bicycle--incidentially includes motorcycles which is--to call me fair I had better keep to myself--but I really think that we should seriously consider putting item 2 in the same category as item 1 which is bicycles. In other words, cover all modes of transportation, as a service facility to those residents living in the area.

MRS. GUSTAFSON:
And you don't think a repair garage is basically incompatible with the kind of buildings--a downtown housing and commercial zone?

MR. ROSE':
No, it's a conditional use. I would have to have the actual indications from the applicant on how he's going to handle the problems commensuate with repair, nevertheless, it's still something that happens to automobiles.

MR. SHELDON:
O.K., I think you've made your point. The staff still has not responded to what a plain parking structure, built to accomodate residents on another block but an integral part of the development. Would that be legal or not?

MR. O'HISER:
No, I believe that would again be regarded in the way a service station would be judged, however, I think that the Commission may want to entertain discussion about that kind of facility under the list of conditional uses under .160 that comes on a little further, but you've got kind of two different designs here--the one integrated and one separated. So the separated one, I think, you can encounter here in a little while, but you're back to Mr. Rose's initial thing and you still have this thing before you whether or not you'd want to integrate such as the Ione Plaza has done. I've lived there and that was a very mariginal operation, as I recall, that gas station, and I don't know that that's a good model.

MR. SHELDON:
Is there any testimony from the public on this particular issue?

MR. DEAN GISVOLD, STANDARD PLAZA:
I was just going to comment that I suspect that the zone is not so large that within walking distance there probably are right now three, four or five gas stations. In the neighborhood that I live in there are none that are within the boundaries of that neighborhood but on Broadway, Fremont and 7th where I live, there are gas stations where people can walk to and so on. So, I think that the not allowing of this use in that small of an area is not going to work a hardship on anybody. What we were concerned about I think, to a certain extent, was the fact that a lot of traffic is going to be funnelling through on some of these streets anyway to the downtown core and if you get a lot of non-residential garage repair related work coming in because it's easy to drop your car off there, walk the rest of the way or grab the shuttle bus to downtown, come back, which really doesn't serve the residents but interfers with their peace and quiet.

MR. SHELDON:
So you basically in summation would be opposed to broading the use of the Group 4. Anyone else to make a statement on this one little point which I think we could say is number 2 of Group 4.

MRS. ROSO:
Question.

MR. SHELDON:
O.K., Sharon's called for the question on her motion to amend which would prohibit the 2 of Group 4 uses. Her language is--does everyone rembember her language?

MR. ROSE':
No.

MR. SHELDON:
Do you want to repeat it Sharon.

MRS. ROSO:
It was just a clarification, "Business and service uses listed as permitted (not conditional) in a C1 zone in accordance with Section 33.44.040.

MR. SHELDON:
So if the motion to amend is adopted, what you would have is essentially C1, excluding Group 4, clarified now to make it very clear that conditional uses would not be a permitted use, but it would allow bicycle service and retail sales and rental only. Is that correct, Rod?

MR. O'HISER:
Yes.

MR. SHELDON:
It doesn't say motorcycle because the asterisk down at the bottom exclude the motorcycle. It just says bicycle service, retail sales and/or rental only, so I would conclude that we're really talking about only the asterisked item which is a little different from the (1) of Group 4. This is also correct, right?

MR. O'HISER:
Yes.

MR. SHELDON:
All right, before we vote is there anyone in the audience who wants to make a statement on the motion that's about to be voted on. Call the roll.

MR. SHANNON:
No, wait. A point of clarification. I'm sorry, I have a difficult time with the language and I could understand a motion in conflict to have the language drafted to state what you intend but I can't put it together the way it is here, I just can't. Maybe I've just got a block here but I don't think, given this language and amending it this way, that you're coming up with what you think you're coming up with. I could be wrong.

MR. SHELDON:
Well, what's bothering you, Dave.

MR. SHANNON:
Well, if I see what you're saying--you're taking this language that's been recommended and adding the additional saying "not in the conditional use".

MRS. GUSTAFSON:
No.

MR. SHANNON:
Well, she's added some words.

MR. ROSE':
Right. It's right here, "Business and service uses listed as permitted (not conditional) in a C1 zone in accordance with 33.44.040". That's what she's done.

MR. SHANNON:
Now, for instance, conditional uses are 44.040, aren't they. You've got some many different sections to cover that and that's one thing that bothers me. All I'm saying, maybe I'm wrong, I cannot follow the motion to intend what it means to intend and my feeling is if you wanted to vote on it in principle, that's fine, but to vote on it for language as you've got it described here, well, it's going to be reviewed again anyway, isn't it, or redrafted.

MR. O'HISER:
Yes.

MR. VAIL:
I think the word that is the key is "principle". I mean, if you look at the rest of the code anywhere it would say "principle use" and then number 1, uses permitted, and then there's conditional uses and then what's permitted under conditional uses. In that regard the clarity--the consistency of the existing code with principal uses and then you listthem and you have conditional uses and you list them. It may be the word principle uses that's the one that you're really looking for...

MR. SHANNON:
That just goes to show you--you and I are using the word principal in two different ways so we're that much further apart.

All right. If this is passed with the purpose of giving direction to staff to draft something that can be put together.

MR. SHELDON:
Well, I think on some other motions to adopt that same concern has been expressed and that is, in fact, the intent that this first time through we're trying to agree on a meaning and that there will be clarification that the staff will go through I'm sure.

MR. O'HISER:
On this particular matter we'll get together with Mr. Shannon to make certain what his concern is.

MRS. ROSO:
Dave, would it make sense to you if the staff recommendation read "Business and service uses listed as permitted (not conditional) in a C1 zone". I agree that 33.44.040 isn't what we're talking about.

MR. SHANNON:
I think it's all rightif you express what you want and really don't know what the final solution of drafting-well, I mean, it could be in better shape than I recognize it.

MRS. GUSTAFSON:
Can we just make a blanket statement that all of what is happening would be passed in principle and that a lawyer or whoever is able on the staff will go through and make sure that this is consistent because I don't think we can play lawyer.

MR. SHANNON:
Well, I'm not trying to do that but I think sometimes somebody's got a lot more difficult things than others and this one--it could just be passed over as not a problem but I think it's a serious one.

MRS. GUSTAFSON:
No, no, I'm not talking about you doing that. I'm just saying we ought to do what I gather you're saying, which is to move on everything in terms of what we want it to say and then staff will come back with what it should say and that we will review it all before we pass it finally and those with particular expertise who can point out something staff missed, to do it at that point.

MR. SHELDON:
O.K. I think with the understanding--the staff has the liberty to suggest changes in the wording which would not change the intent but would clarify this and simplify and make it consistent with the rest of the code--we expect that that will happen prior to the final review and approval of the document.
Is there any further discussion before voting on the amendment to the motion--which is specifically the language that Sharon has proposed but the intent of it is to preclude Group 4 conditional uses from the AX zone.
Call the roll.

ACTION: Ayes: Gustafson, Roso and Sheldon

Abstentions: Barnett and Wessinger

Nays: Minden, Rose' and Shannon

Motion failed to pass

MR. SHELDON:
The motion to amend does not pass. Now the main motion probably needs another amendment because it is now still unclear. If we just adopt the staff language, it's already been admitted that it's unclear.

MR. MINDEN:
I would like to suggest an amendment and that would be that item number 2 of Group 4 be reworded--and I'm not exactly sure--but I would like to see number 2 be a conditional use.

MR. ROSE':
All of 2, or certain parts of it.

MR. MINDEN:
Certain parts of it. I don't think the garage part--I don't think we need the garage part--I think we need service as a possibility. That's the way it looks to me that in that area there would be sometime when it might be a very helpful thing right there. It could be all wrong, but that's the way I'd like to see that one thing.

MR. SHANNON:
Well, can't you do that in 33.36.160.

MR. O'HISER:
Mr. Minden, are you referring to a development which is an integrated part of an apartment structure or a separate.

MR. MINDEN:
A part of it. I'm talking about an integral part of the development. I can see where the possibilities could be....

MR. O'HISER:
Well, would this be a garage for public use other than just for the needs of the apartment dweller.

MR. MINDEN:
Well, it might be limited but I was thinking mainly of residents in the area.

MR. ROSE':
That brings up another real interesting point. What's the purpose of service facilities in an AXZ zone. I can visualize all kinds of businesses that might like to have other than local residents patronizing them.

MRS. GUSTAFSON:
You mean automobile stations.

MR. ROSE':
Any kind of commercial business. It's put there primarily for the benefit of the people living there but not exclusively for them.

MRS. GUSTAFSON:
Oh, no, I thought we were saying that.

MR. ROSE:
That's right, but we're moving the other way again, as near as I can see it. We say it's for the benefit of the people there, also other people--the merchants want the business.

MRS. GUSTAFSON:
In my mind there's a difference between automobile service attracting people from everyplace--it seems to me inappropriate for that--and other kinds, but not automobile service.

MR. ROSE':
Gus is talking about something that, it's my understanding, something that's for the benefit of those people there, and then later putting signs out in the street and say come in here and get your car repaired while you go downtown or what not, although, who knows.

MR. MINDEN:
What I'm thinking primarily--I know quite a few people who have been looking for somewhere where they can get their car

MR. MINDEN (CONTD):
serviced while they're in the area--maybe it's not worth it--it's probably going to get voted down anyway, and that's fine, but I think a conditional use gives you the option--that's what I'm saying. I hate to see it bound in with no conditional....

MR. ROSE':
What's the mechanism for including item 1 in Group 4 within the permitted uses as you propose, Rod.

MR. O'HISER:
The bicycle item?

MR. ROSE:
Yes.

MR. O'HISER:
We selected that and took it out of that and added that to it.

MR. ROSE':
What's the mechanism--am I going to move it up to Group 3 or what am I going to do to get it in the permitted uses.

MR. O'HISER:
No, it's going to be in a list of uses. I think we have an opportunity beyond the groups to list uses that would be permitted.

MRS. GUSTAFSON:
Do you have that done--what page is that on.

MR. SHELDON:
What page in the AX section where you specifically pulled that out.

MR. MIKE HARRISON, BUREAU OF PLANNING STAFF:
Page 28. An example would be 33.36.040 (3) Restaurants and cocktail lounges. It's something which has been added in. Bicycle sales and service and rental could be added in in the same manner. It could become number 5.

MR. O'HISER:
You're wondering whether there might be a six or seven.

MR. SHELDON:
Well, I think we still have a dilemma because the language the staff has in fact recommended obviously has some problems and we need another motion.

MR. MINDEN:
I made a motion to make a conditional use out of--and I don't mean garage, parking in that particular sense, but some type of automobile service as a condidional use.
I don't know how to word it.

MR. SHELDON:
May I suggest that that notion could be embodied as a specific number--as a 5 or 6 and in order to just get things going we do, however, I think, need to clarify the language that the staff has proposed because it is unclear and maybe what we ought to do is essentially adopt the essence of the language that Mrs. Roso actually proposed and then somebody else should move to consider an amendment to a 5 or a 6 and then discuss the issue of the parking service requirement as a denoted special use. We have to clarify the language that you're proposing because it is unclear--I mean just to move that into this now would leave us fuzzy as to whether we are letting all C1 uses in or out.

MR. O'HISER:
All C1 in principle.

MR. SHELDON:
This has to be clarified, because it is unclear, as I see it.

MR. O'HISER:
It was our original intent to not have to go through the 4 list but if you want to add a group, select one out, where are you going to put it in here.

MR. SHELDON:
My point is that we still have a motion on the floor which adopts the entire group of uses including your new language and if that's passed in its present form, is it not true that now we have essentially adopted some language which we know is unclear and unacceptable.

MRS. ROSO:
I have another problem. You're adopting--even in talking about 33.40.040, we haven't addressed that yet. That's in the next section. We haven't adopted that number yet and so we're adopting it for the AX zone when we haven't even adopted it for the C1 zone yet.

MR. ROSE':
But we're talking about the AX zone.

MRS. ROSO:
But it's listed in the C1 zone.

MRS. GUSTAFSON:
The reference to C1 is the reference to the overall code which we're not changing. The reference is not to C1Z which we're going to have to talk about.

MRS. ROSO:
No.

MR. SHANNON:
33.44.040 is a totally different section than is in the original code.

MR. O'HISER:
Mrs. Roso is noting that we haven't yet passed that list that we're referring to in advance and in any event say we were to change that list, well then you would be in trouble later on when you get into it.

MRS. ROSO:
There's all kinds of manufacturing and things we haven't ....

MR. O'HISER:
Well, I think it would be a tentative thing and then when you get into that C1, you're going through that list to see that it's meaningful and if you were to add something, that then couldn't be compatible with the apartments, then you would have to go back and change.

MRS. ROSO:
I move we table this section until we've discussed 33.40.040.

MR. ROSE':
That has precedence. I second it.

MR. GISVOLD:
I think the idea of adopting in principle is a good one because if you support the adding of bicycles, that it be added as a number 5--this is what Mr. Minden was talking about as I understand it. A conditional use then would be appropriate to .160 in a later section when you come to that section and that you adopt the 33.36.040 in principle with the understanding that staff will revise that subsection (2).

MR. SHELDON:
Well, that seems a reasonable suggestion to me because we're going to be running into this same problem over and over again until we have, in effect, worked almost all the way through this. We're going to have references to sections which have not yet been adopted. You've got to attack the problem somehow.

MR. HARRISON:
You have adopted 33.44.040 already.

MR. O'HISER:
On May 28th we went through this and did encounter the bicycle sales and so forth and voted to add that as was recommended by CAC, so you did get a complete list of allowable uses under C1 and now we're getting back again. We only brought this back here because we came up with some fresh language regarding broadening of the C1 uses. We've kind of been into this earlier.

MR. ROSE':
Well, I think the original motion is out of order then.

MR. SHELDON:
Yes, I would think it is.

MR. ROSE':
I withdraw my motion.

MR. MINDEN:
And I will withdraw my second.

MR. STAN GOODELL, 941 PACIFIC BUILDING:
I suggest that someone offer Mr. Gisvold's comments in the form of a motion. I think they are most appropriate.

MR. MINDEN:
I think he's got a good point, and I would move that if you'll repeat that again.

MR. GISVOLD:
Let me ask a question. The bicycles are not in the C1?

MR. O'HISER:
They were adopted on May 28th.

MR. GISVOLD:
Mine just hasn't been amended.

MR. O'HISER:
Only in the minutes.

MR. GISVOLD:
You would adopt 33.36.040 in principle with the understanding that staff wil revise subsection (2) and make it simpler and consistent and with the understanding that you will review the listed C1 uses when you come to that section.

MOTION: Mr. Minden moved to adopt Section 33.36.040 with the staff amendment to subsection 2 in principle, with the understanding that subsection 2 be reviewed and made consistent and simpler, if possible, and with the understanding that the Commission review the listed C1 uses when they come to that section.

Mr. Barnett seconded the motion.

MR. ROSE':
There's one fallacy with his motion. The last sentence should have said--I think he said uses and it's really conditional uses listed in 33.36.160.

MR. GISVOLD:
One thing I left out but I think an applicable corollary is that Mr. Minden's suggestion is more pertinent to .160 and ought to be taken up there.

MR. SHELDON:
Right. So just so that everybody is clear about this I think that the intention is, since we will discuss and address the issue of parking in a different section, that I believe it is your intent, and it's a little odd for you to be making a motion, that we are talking about principle use and not conditional uses. We will take up the other issue. All right, now that's clear.

MR. ROSE':
In my mind, it's as clear as a bell.

MR. SHELDON:
Who moved that?

MR. ROSE':
Gus did and Nick seconded it.

MR. SHELDON:
Any further discussion.

MR. WESSINGER:
Yes. I would like to have a restatement of the motion.

MR. SHELDON:
Are you serious, William.

MR. WESSINGER:
You bet.

MR. SHELDON:
O.K., go ahead and take a crack at it, Dean.

MR. GISVOLD:
Bicycle sales were added to C1 uses before on May 28th so they don't have to be added to .040 and that you adopt 33.36.040 in principle with the understanding that subsection (2) which there has been some question about be reviewed and made consistent and simpler if possible and with the understanding that you review those listed C1 uses when you come to that section.

MR. WESSINGER:
C1 uses?

MR. GISVOLD:
Well, C1 uses as outlined in 33.44.040.

MR. MINDEN:
That gives us a chance to solve this problem later and in a better perspective I think.

MR. O'HISER:
Am I clear--it's a matter of clarifying of the staff language.

MR. SHELDON:
Yes, this would include, in other words, that you would clean up the language so that it is consistent and clear and that presumably in .160 is the section where we will talk about Mr. Minden's and Mr. Rose's concern relative to service functions for automobiles within the AX zone.

MR. O'HISER:
.160.

MR. SHELDON:
.160.

MR. O'HISER:
So, we will be broadening the....

MR. SHELDON:
Well, maybe. It needs to be decided but I think it's clear that we'll discuss it at that point.
Bill, is that clear.

MR. WESSINGER:
I guess.

MR. SHELDON:
All right, call the roll.

ACTION: The roll was then called on the motion by Mr. Minden to adopt Section 33.36.040 with the staff amendment to subsection 2 in principle, with the understanding that subsection 2 be reviewed and made consistent and simpler, if possible, and with the understanding that the Commission review those listed C1 uses as outlined in Section 33.44.040.

Ayes: Barnett, Gustafson, Minden, Rose', Shannon

Abstention: Roso

Nays: None

Motion carried.

MR. O'HISER:
Page 32, Limitations on Use, and the CAC has offered an amendment to also cover outdoor activities not incidental to permitted uses and that language would read, "Outdoor activities not incidental to permitted uses, such as open-air markets, vendors, and eating areas, should be permitted subject to licensing, applicable regulations, and design review". Mr. Gisvold may have some comments on this. This has come up because of the success of activities such as the Saturday Market.

MR. ROSE':
How about the decibel level? Don't we have an ordinance now on the noise level?

MRS. GUSTAFSON:
I would move the CAC addition to 1.

MRS. ROSO:
Second.

MR. SHELDON:
All right, the motion would be to adopt this section with the CAC change in subsection (1), the whole thing being adopted in principle and staff would smooth out any language conflicts or what have you.

MR. WESSINGER:
On this--it sounds just neat but I would remember this spring that we had such an event up in the area on 18th and Jefferson that was to help a day care center up there, and the people around, because of noise and this type of thing, and this was on a Saturday, came back vehemently against this afterwards, and I think we've got to be careful. There are neighbors who do not go for this in an utterly residential area.

MRS. GUSTAFSON:
Well, don't you think number (3) covers that.

MR. WESSINGER:
How do you do it?

MRS. GUSTAFSON:
Well, noise.

MR. WESSINGER:
We thought we had it covered on the one we did.

MR. ROSE:
You did, huh. Did they apply the new noise rule to it, Bill, do you know.

MR. WESSINGER:
I don't know. When you've got a bunch of people out there on a Saturday afternoon, how do you do it.

MR. ROSE:
Did they screw up the amplifier too high?

MRS. GUSTAFSON:
Yes, but doesn't that--if the operator has had that happen--doesn't that probably come under a different set of regulations.

MR. O'HISER:
I was wondering whether Spence may have a comment regarding licensing--whether there's some safeguard there.

MR. WESSINGER:
And we were on Jefferson which is far more busy than non-residential of some of the areas we're talking about here.

MR. VAIL:
I personally--the only thing, I wouldn't use the word "should", use "may". Licensing--we've run into problems with before. I know all you are familiar with people coming in and saying the License Bureau gave me a license, you know, for my used car lot or for my--whatever it might be--in the wrong zone. I wouldn't put too much dependency on licensing. Applicable regulations of Design Review and since you're referring back to them in the Design Review section, they do have a use control and I think those two would be appropriate, but licensing to me is not a very good control.

MR. WESSINGER:
I would wonder if this were in Eastmoreland whether or not people might go for it.

MRS. GUSTAFSON:
I wouldn't permit it in any R5 list that I knew of. I don't think we're talking about R5's.

MR. WESSINGER:
Well, we're talking about what amounts to, for some people, where they're living and are we going to make differences between R5 because some of us live there and other areas.

MRS. GUSTAFSON:
We also don't have C1 40%. I think the question is what uses are interesting and what uses are objectional and maybe this doesn't cover that. I didn't really think of it in terms of one stop deals. I thought it was more in terms of permanent outdoor uses that were not necessarily affixed to an insdie use--like a flower cart--that was an independent flower cart or something like that, so that,rather than a fair. I just assumed that there were different regulations governing one day happenings. Is that not correct?

MR. VAIL:
The only thing we're really regulating are garage sales. According to the code, you can have one every six months, but if you get into the business of having one every week;technically that's a zoning violation. But it really is kind of a one shot deal.

MRS. GUSTAFSON:
If you're going to have a fair, such as the one that caused trouble, or an outdoor dance which also causes trouble in a park, how do you get permission for that, and does that have anything to do with this.

MR. VAIL:
Most of the closing of streets for a block party or using a park for a block party, is a one shot deal that a special revocable permit ordinance is passed by the Council initiated by the Commissioner of Parks or Public Works, if it's a street, and they have certain rules and regulations that they have to abide with, but they're usually just one shot deals and they appear on the Council Calendar periodically, especially during the spring and fall.

MRS. GUSTAFSON:
Would this in any way make it easier, do you feel, for people to have uses like that that might be objectional to neighbors, or do they still have to go through the same procedure they go through anyway, to get revocable permits from the Council to do it.

MR. VAIL:
It depends on where they're doing it. I mean, technically, anything on the street right-of-way is beyond the zoning regulations and would have to go through Public Works for that.

MR. SHELDON:
Was this on private property that you were talking about, Bill.

MR. WESSINGER:
Well, it was partly on that parking circle and then on the parking lot of Goose Hollow, the rest of it.

MR. GISVOLD:
I think this is limited to private property. The intent was to not allow certain uses without having to be fully enclosed in a building.

MR. SHELDON:
I did not construe this section, frankly, to mean to cover a one shot mass public meeting for whatever purpose. I think I saw this as the permitting of some sort of activity on a piece of property without necessarily requiring a cover.

MR. SHANNON:
I,frankly, like the language of the sections drafted by staff better because really all you've gotis--the language is "outdoor uses not incidental to permitted uses"and "outdoor uses incidental", and that's the only difference between the two, in effect, because outdoor regulations just doesn't say anything. So that means that anything that you can do in that you can do in that zone at all, say whatever you can do outside, whereas hopefully that outdoor activity will somehow be related to the building or you have absolutely no control or in the alternative, if you're not going to have it related to a building, then I think you have to spell it out a lot more specifically--what outdoor uses, because using "such as" doesn't say anything--it's only an example, but not a limitation and so basically it says any outdoor activity. Now, if you want to say we like this--open markets, we like restaurants, which is already permitted, something like that, and you can define the kind of activities that you want to have out-doors, than I say it's all right, but the way it is now I don't think it has any limitation except what AX has as its own limita-tion in general.

MR. BARNETT:
Would you be open to an amendment to include Spencer's notion--or at least maybe we should have some discussion about the word "should" whether that indeed should be "may".

MRS. GUSTAFSON:
I change the motion to "may". Could the motion be that... let me withdraw my motion and instead move that staff prepare language to embody this thought with a more explicit list of permitted uses--to embody the CAC suggestion with a more explicit list of uses.

MR. GOODELL:
I don't want to interrupt somebody in the middle of a motion--a second ought to be coming along....

MR. SHELDON:
It may not get seconded.

MR. GOODELL:
I would suggest that there is one word in there, in the CAC comment, "open air market", that has a connotation of the farmers, if it's produce, open-air produce, the farmers' trucks driving up at five o'clock in the morning, which I don't think is an appropriate thing in a residential zone. So, I would guess or suggest that injection on paragraph 3 "objectionable due to" and list just what time of day in there.

MRS. GUSTAFSON:
That's noise. You are talking about an area that is not all residential.

MR. GOODELL:
But time of day, I think, is an appropriate limitation in a residential area. I cited that as an example.

MR. JOE LABADIE:
He's talking about parked trucks outside selling vegetables.

MRS. GUSTAFSON:
Is that what you're saying?

MR. GOODELL:
No, what I'm saying is--O.K.--this is an absurb example but over in Corno's or the produce area over on Belmont--those guys are going from 3:00 in the morning until 6 in the morning and at 6 o'clock they close it down. I'm not suggesting anything on that scale could happen in the AX zone. I'm just saying that one of the objections to anything, in addition to unsightliness, order, dust, is time of day.

MR. ROSE':
Normal business hours.

MR. GOODELL:
What goes on at 10 o'clock in the morning might be fine in a residential area, but if the same thing went on at 5 o'clock in the morning in a residential area, would be totally objectionable.

MRS. GUSTAFSON:
I can see the point but I think that everybody's inclination, it seems to me, has been to liberalize, to attract in business uses--I mean, to make that more attractive. What happens when somebody gets a delivery at 5 in the morning.

MR. O'HISER:
Mr. Chairman. I think the staff felt that the Design Review process would be exhaustive and be a safeguard so that a use or an activity would not be incompatible with the residential area. Now that, assuming that the Design Review process has that authority, we haven't encountered that section yet.

MR. LABADIE:
I just feel that section 1 as provided, liberalized so much now with incorporating all of the C1 activities, that to put in the CAC recommendation I would assume that, if you wanted to put in an outdoor garage repair shop, you could do it. Outdoor activities not incidental to permitted uses and permitted uses are so broad now you could have almost anything in that zone and business and service provided that incidental activities related to those uses could go in it.

MRS. GUSTAFSON:
But doesn't incidental mean use that the main use has to be enclosed but there can be an indicental use outside. You may have a main restaurant plus tables outside.

MR. LABADIE:
Or you could have a leather goods store inside plus tables outside. You can have open air markets outside but you've got to have something--what I would envision is that you could have groups just going in the AX zone area to area. I think Bill's point was well taken that if you could put open air markets out in Eastmoreland or Laurelhurst, I don't know that the residents are going to go much for that.

MRS. GUSTAFSON:
You mean if you had a cart going around selling vegetables. I think we are going to have to be talking something realistic. People aren't going to sell vegetables at 3 in the morning; nobody's going to be up to buy them.

MR. LABADIE:
I'm not talking about hours. I'm just talking about the uses. I think that you've broadened them. When the CAC--correct me if I'm wrong Dean--but when the CAC was considering this and adding things to it, the C1 uses weren't really as permissible. In other words, the restrictions were much more severe as to what you could do and now you've broadened those uses so greatly that I think you've got a base.

MRS. GUSTAFSON:
You could have no kiosk then, you couldn't sell flowers outside, you couldn't do anything unless it was attached.

MR. LABADIE:
Section 3 is very general besides objectionable as far as unsightliness, odor, dust, smoke, noise, glare, heat, vibration and other similar causes. Then when you say it's objectionable for odor then I'm going to get an injunction for closing me down because you can't prove it.

MRS. GUSTAFSON:
In other words, you think it has...

MR. LABADIE:
I think you've got to have something tied in.

MRS. GUSTAFSON:
Would you have it a conditional use procedure.

MR. LABADIE:
I don't know.

MR. GISVOLD:
It was not our intent to make it a big deal. It was our intent to--the Saturday Market seems to be attractive on-going operation--an maybe something that large in a residential area isn't warranted but we thought it would be appropriate, subject to Design Review, appropriate regulations of licensing, that if somebody owned some property and wanted to lease it or allow somebody to conduct an outdoor activity in this kind of neighborhood, that it should be allowed. No, granted, the way it's worded tonight, we agree with Mr. Shannon that it ought to be tightened up but it was our intent to allow an activity outside that, in effect, was cheaper, that would be viewed with maybe, perhaps,-- I don't know--a category of people, that could be allowed subject to making it compatible with the neighborhood environment.

MR. SHELDON:
It seems to me that if we essentially had a motion which would embody tightening up of this language as per Mr. Shannon's suggestion, which seems to be agreeable with everybody, including

MR. SHELDON (CONTD):
the CAC, and perhaps suggested that those kinds of activities might be suggested to a revocable permit kind of an approach, if that could be embodied without any technical difficulties, that would seem to me to cover the objections that the neighbors might bring about it this thing did turn out to be a problem.

ACTION: Mr. Minden moved to adopt Section 33.36.050 in principle with the addition of the CAC amendment to subsection (1); that the language be tightened; and that those kinds of activities might be subject to a revocable permit kind of approach, if that could be embodied without any technical difficulties.

Mr. Barnett seconded the motion.

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon, Sheldon and Wessinger

Nays: None

Motion carried unanimously.

MR. O'HISER:
The next section is on Page 34, 33.36.060 Off-street Parking. Now, this standard section of the zoning ordinance, in this case, there is no requirement for off-street parking and this is in keeping with the Clean Air Program for downtown that there not be a set requirement. CAC has offered some language just to make certain that it is cross-referenced in our proposed zoning ordinance because there is a reference to a procedure for reviewing parking development in the Z zone, so it would be subject to their amended language to make certain that there is a more--a reader of the zoning ordinance would know there is some other section that he would have to look at. The staff would recommend approval of the consultants' language and also the CAC comments.

ACTION: Mr. Rose' moved adoption of Section 33.36.060 with the addition of the CAC amendment to the second sentence of the section. Section 33.36.060 to read as follows:

33.36.060 Off-street Parking. No off-street parking shall be required, unless required as a condition of approval of a conditional use according to the procedure specified in Chapter 33.106 (Conditional Uses). Off-street parking, whether provided pursuant to conditional use approval or provided optionally, shall be subject to the requirements of Chapter 33.83 (Parking Regulations), and to parking regulations in Chapter 33.56, Z Downtown Development Zone.

Mr. Minden seconded the motion.

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon Sheldon and Wessinger

Nays: None

Motion carried unanimously.

MR. O'HISER:
Turn to page 35 which covers the .070, the off-street loading section of this zoning ordinance and the regulations which have been proposed by the consultant are consistent with a schedule that we do have already in our zoning ordinance--rather, zoning in the city.

MR. WESSINGER:
Move the staff report.

MR. BARNETT:
Second.

MR. SHELDON:
Is there discussion? Rowland?

MR. ROSE':
You lead off.

MR. SHELDON:
All right, I guess it's my turn to be mad at the present code. I guess I have never really understood this business of requiring a sixty-five foot off-street loading berth for residential units and I wish somebody would really explain to me what it does because--and why you'd need three of them for 200 units when one of them would never be used--in fact, they always wound up being just parked in because I imagine once a month somebody pulls a semi in there when they are probably moving into their unit, but I have real trouble with that one--that's as expensive as hell--and, boy, I'd like some really good explanation of why that's in there in the present code.

MR. ROSE':
It's very difficult design-wise in lots of places.

MR. SHELDON:
I can understand it in commercial buildings a lot more than I can in residential but it's just--I'd sure like an explanation of the number of them is certainly hard for me to swallow.

MR. MINDEN:
You're talking about apartments now.

MR. SHELDON:
Yes.

MR. ROSE':
It relates to buildings.

MR. SHELDON:
I know it can, Rowland, but here we are, we're specifically relating it to apartments now. I'd just swear that if you were building 200 apartments in a building that there is not a need for 3 code loading berths, cause I know what a code loading berth looks like, how much it costs to build one.

MR. ROSE':
A big hole.

MR. SHELDON:
That's right, and there's a pretty handsome investment. This is obviously a very technical point, and this is not the forum to discuss this but I'd like to ask the question--where do those numbers come from--I'm sure they're in the existing code and I'd really like to know how they got there because I suspect that somebody just back in 1930 dreamed them up and nobody's every challenged them since then and everybody's been buying them.

MR. LABADIE:
May I ask another question. Would it be the intent that these would be cumulative in case of mixed use. If you had a 100 apartments, 30,000 square feet of office area, and 40,000 square feet of commercial area, you have to have 5 loading docks.

MR. SHELDON:
No, if that's true, that would be the ultimate in insanity.

MR. VAIL:
That's the way it reads.

MR. SHELDON:
That is the way it reads! Oh, my God.

MR. VAIL:
Right now if you were in C2 zoning and have a building with commercial use on the groundfloor and apartments above, you would have to meet both criteria.

MR. SHELDON:
That's absurb.

MR. WESSINGER:
It seems to me it's obvious that this is a point that ought to be looked at, both in this code and everything else. How do we want to handle it to make some sense out of it. Do we want to refer it back to staff.

Mr. Wessinger withdrew his motion on the floor to adopt Section 33.36.070. Mr. Barnett withdrew his second.

MOTION: Mr. Rose' moved to refer Section 33.36.070 Off-street Loading to the staff for review to 1) find out the origin of the presently required loading berth size; and 2) what is a realistic number of berths and of what size.

Mr. Barnett seconded the motion.

MR. SHELDON:
And I think people ought to talk to managers of existing buildings and find out how many of these things are used.

MR. GOODELL:
I fully and absolutely agree but there's one more facet of this. Look at the Hilton Hotel and just before a convention or a trade show when they have over-the-road rigs coming in to bring exhibits in, their loading dock is not adequate--not necessarily in terms of number but in terms of what it does to the sidewalk and to the street. There are other situations in large office buildings where the owners and developers have found that really--well, Joe, I'm going to defer to you for the right word--to go underground, rather than the loading berth, and I think the range of this study ought to include that which I have brought up in addition to what you and Rose' said. The whole matter of loading and off-loading in concern with loading berths and drive-thrus, interruption of pedestrian traffic and particularly in the down-town.

MR. ROSE':
Our office just got through with a new loading dock underneath the Plaza across from the City Hall and this is ridiculous. The cost involved and the excess height or depth that you have to build something to put that thing where it is and get it out of the way so it won't interfer with the aesthetics of the situation. Really, it's a terrible burden and only government can afford it, or a bank.
The substance of the motion is very pertinent and I think Bing and I, being in the design business will pursue this.

MR. BARNETT:
One other point and maybe I don't quite understand what the intent was why apartments, offices and businesses--there are a number of other kinds of institutions that might need or require some kind of loading--I mean, I'm thinking about hospitals or other kinds--why is it on apartments as opposed to....

MR. ROSE':
That's to take care of the people who are moving in.

MR. O'HISER:
Mr. Chairman, not speaking to the motion, but I feel the generation of this is that the City in 1948 hired a consultant from Kansas City and he brought to us some standards.

MR. SHELDON:
Is that really how it got there?

MR. O'HISER:
Mr. Mills--it was either Kansas City--I think it was Kansas City.

MR. VAIL:
To answer Mr. Barnett's question. What you have here basically are the loading requirements for permitted uses. Under conditional uses a separate set of criteria is used.

MR. SHELDON:
Is there any other public comment on the motion that's on the floor.
We're voting on the motion to refer this section to staff to review and a thorough examination and hopefully a proposal. Call the roll.

ACTION: The roll was then called on the motion of Mr. Rose', which was seconded by Mr. Barnett, to refer Section 33.36.070 Off-street Loading to the staff for review to 1) find out the origin of the presently required loading berth size; and 2) what is a realistic number of berths and of what size, as follows:

Ayes: Barnett, Gustafson, Minden, Rose', Shannon, Sheldon and Wessinger

Nays: None

Motion carried unanimously.

Mrs. Roso was absent at the time the vote was taken.

MR. O'HISER:
Page 36, Minimum Lot Size, .080. The consultants' language states a minimum of 5,000 square feet which is kind of related to the way downtown is platted. I believe the CAC wondered whether or not there couldn't be a smaller lot size but didn't make a recommendation to alter that standard. The staff is recommending approval of the consultants' language.

MR. STEVE DOTTERRER, 1431 S. W. PARK:
The logic behind this is, I think, to give sizeable lots and it talks earlier about having large enough lots for someone to really do something with. But if you have a 5,000 square foot lot with a 50 foot minimum width, there is nobody in town who is going to build a townhouse on that and so that eliminates a whole type of housing in downtown by the way its got this wording--you can't have townhouses--you can't have based on that, those type units, and my feeling is that you drop the whole thing.

MRS. GUSTAFSON:
In fact you can, you just can only put two of those on a lot.

MR. DOTTERRER:
Well, that means that I can't buy some size smaller piece of property.

MR. SHELDON:
It would have to be a condominimum ownership with the land held.

MR. WESSINGER:
Bing, I'd like to have you give us an explanation exactly the issue here.

MR. SHELDON:
O.K., here's, I suppose, a possible real life example. There is a man, a developer, who's purchased a 25' by 100' building near the police station--you know who he is--three story, old structure, proposes to live in it and two very fancy units, one which he lives in and the ground floor commercial. If the building were destroyed by fire--more than 50% condemned and, therefore, re-moved from the site, this man would own a piece of property that would be useless to do anything with. He could not rebuild on that site because it wouldn't be a legal lot and presumably he would have to sell to one of the abutting property owners or buy some of the abutting properties because he would be left, I think, with no recourse. So, I suppose, taking another option, if he likewise-- it would prevent anyone from purchasing less than 5,000 square feet or less than 50 square frontage to do anything he wanted to do.

MR. SHELDON (CONTD):
I'm sure this just comes out of the present code which has a 5,000 minimum lot size. So, I think the real question is, within this AX district with the relatively high cost of living, is it appropriate to consider a smaller lot size than has been considered a typical residential lot size. My inclination would be to say yes. The units that I restored on 17th and Irving are six units on 100 x 100 so that it had to be a condominimum form of ownership, but presumably if there were a vehicle to allow smaller lot sizes, that could have been subdivided in a plat and then each house could have carried with it an individual piece of property.

MR. ROSE':
The Bishop House is a good example.

MR. WESSINGER:
Am I correct in thinking the brownstone houses on the East side of New York were basically 25'.

MR. SHELDON:
Yes, and San Francisco has 25'.

MR. ROSE':
20 footers in San Francisco.

MR. SHELDON:
They are quite small.

MR. ROSE':
And Boston has some 12' lots.

MR. SHELDON:
You can guild houses on a 20 foot lot. There are plans all over San Francisco.

MR. WESSINGER:
I would like to hear staff on this, then, on the other side of the coin.

MR. O'HISER:
Whether or not a smaller dimension would be appropriate?

MR. ROSE':
A hardship on an owner--present owner.

MR. O'HISER:
Well, it was my impression that we would not encounter the kind of situation that Mr. Sheldon mentioned in our proposed AX, but I was corrected. Mr. Harrison says there is a situation and I suppose a question, too, that you might ask is if we already have

MR. O'HISER (CONTD):
some in-selling, might you have a 17th and Irving--that kind of development, and I think it would be appropriate in the AX areas and a 25 foot width, as far as the width.

MR. ROSE':
How wide is the Bishop House?

MR. VAIL:
Not much wider than that.

MR. WESSINGER:
What do you think, Spence.

MR. VAIL:
We've got a couple of other problems. You may end up with--I mean, you could very basically say there shall be no minimum lot size. Some zones do when they speak usually for commercial or industrial use, there isn't one, but when you start going into residential use in any zone in the city, then the 5,000 square footage is the minimum, of course. If you reduce that down, that may be fine for lots that are existing but it also may perpetuate other lot sell-outs which then cause problems under the variance committee unless you change the code to rectify that. You're coming up with a sub-standard lot. So, it could have other complications. I really haven't researched it.

MR. WESSINGER:
But, Spence, aren't we talking about this particular area.

MR. VAIL:
You're talking about adopting a code specifically for downtown but you are not precluding that it might not be adopted somewhere else. But I'm not looking just where you're going to adopt downtown, there may be other areas where this or some portion of it would be adopted. It may cause problems that we're not anticipating.

MR. WESSINGER:
I grant that.

MRS. GUSTAFSON:
Is it the case that every third person we get has to have enough accumulated blocks now to make it economic to building anything and so if lots of people could go 25' wide buildings,it seems highly unlikely. So, if you allow it, what's going to happen--who's going to buy a 20 foot, be able to sell-off little 25 foot parcels, and, in fact, if people would build small, it's something we want because, I assume, we don't really want a downtown which is exclusively highrise. I would suggest that we do eliminate the minimum lot size.

MR. SHELDON:

Wouldn't it, in fact, be the case--let's assume we just had no minimum lot size at all, nothing, and somebody buys a piece of property that's 20 feet wide or 15 feet wide, he's going to be rather immediately faced with building code problems which are going to restrict any widow openings on the side lot lines, rear lot lines, and very specifically so because of the fire zone that the downtown is in. It almost seems to me that what you do with that lot would be so restricted already by the building code, that I can't imagine too many problems with the variance committee actually.

MR. VAIL:

You could always, I suppose, just look at the city as a whole and when we had zone 1, 2, 3 and all downtown had 50 x 50 foot lots and the type of structures that are on when problems are caused now from that from other development that go in around it that there is much more here when you are talking about reducing or doing away with it than I could really comment on in all perspective.

MR. SHELDON:

I think your concern about the possibly of this being extended to the rest of the city is a good one. I don't think anybody here would envision this going outside of downtown.

MR. WESSINGER:

Mr. Chairman, this is the thing I wanted to ask about. I felt that this AX zone was a downtown zone and I had no conception that we were to take it outside. If I did, I would agree with Spence a hundred percent, but if it is strictly a downtown, very, very tight situation as they have, say, in San Francisco up on those hills, I could see this being a perfectly legitimate type of thing. If we're going out of it, I think that he's utterly right.

MR. SHELDON:

I assume that in the future that that problem can be addressed.

MR. VAIL:

For those of you that were at the zoning committee meeting the day before yesterday, we were talking about imposing the D zone on property along Macadam and the representatives from Corbett/ Terwilliger got up and said that this animal is in the mill and they're looking at something similar to AX being used, perhaps, in Corbett/Terwilliger as an overlay to some other zone and your general purpose comment here that says all AX zones and doesn't specifically say that it's going to be anywhere else. You are not necessarily precluding yourselves from, at least, thinking about putting it someplace else.

MRS. GUSTAFSON:
But this is not density. That's not to say anything would be built on a smaller lot than it would be anyhow. What it does, if you have an A2.5 and you have a duplex, it could be individual, I assume, if that were legally possible, owned by two people. So, I don't see anything wrong with that. You're not talking density, you're only talking ownership. Presumably, we would encourage more ownership and less density.

MR.VAIL:
No, I think you are talking density because if you talk about one house on 5,000 feet and all the sudden you're saying you can have two on 5,000 feet or two 2,500 foot lots, then you are talking density.

MRS. GUSTAFSON:
You don't say it here, because your zoning--you have an only--your zoning days you can have "x" amount of density. This is an AX which is a very high kind of density. So, this doesn't add any density. This says you can do it in smaller pieces and then you can own individually. If you're picking up Terwilliger or wherever, it's the zone that tells you how many units.

MR. SHELDON:
Joe, did you have a comment.

MR. LABADIE:
My only comment was, I think when you get into 25' lots, from my experience with the Fire Department, I don't know that in the downtown area that you could build on a 25' lot.

MR. ROSE':
Your ingress-egress is the problem.

MR. LABADIE:
I think that you might be defeating the whole thing. I don't know that it makes any difference. You couldn't put any windows on the sides because your setback requirement with minimum yard would preclude that and so it would be a window in front and a window in back. I don't know even then whether the Fire Marshal would approve.

MR. MINDEN:
I think Spence brought up a good point, however. We don't know how many parts of town.... I don't quite understand what you mean the difference between ownership and building . What difference does that make. You can own a little lot now, you just can't build on it.

MRS. GUSTAFSON:
What I mean is if we talk about decreasing lot plat size it sounds to us that we were saying, therefore, you can have more building size. But it's the zone that tells you how many units you can have on the size of the lot. All the lot size does, as from what I understand today, is whether if you put two units--say, you have a 5,000 square foot, certainly in this zone you could put two units on it but those two units have to be owned by one person and all this says is that two units, like townhouses, could each be owned individually, which might be a way to attract more home ownership.

MR. MINDEN:
Well, I could agree with that but that's a different question than....

MR. SHELDON:
No, I think that is the question. What it really says--it seems to me that you're not going to wind up with people building 4 foot wide houses as a result of changing the lot size and there still is a market to be met where the product has to be saleable, have to pass the buildings codes, and if it did come before a variance committee or the building board of appeals, they're going to be pretty skeptical of the whole project in the first place, but it is possible to develop, as they have in San Francisco with interior light courts, a very reasonable growing unit on small parcels of land. It does seem a little strange to preclude that possibility. If the City's ever going to experiment with alternate patterns of development in forms of ownership, it seems to me that this is the area to do it in and I've always found it strange that Portland is virtually the only city that I know of that has what is a relatively large minimum lot size and there are plenty of cities in the country that go down to very small lots and I don't think chaos has resulted. In fact, usually it's the more charming neighborhoods--it's the Beacon Hills , the hills of San Francisco that have resulted from this kind of crazy lot size and it remains to be proven to me that that necessarily has been a bad thing for those cities.

MRS. GUSTAFSON:
Do you need a motion to not have this or does it just have to not be approved.

MR. O'HISER:
Mr. Chairman, if the staff could advance a third recommendation. I'm a little bit embarrassed. What we have on the C1 is that under minimum lot sizes--"shall be no minimum lot size requirement". I'm going to make this change. I'd spoken earlier on behalf of 25'. If we were to have any on half block and it turned

MR. O'HISER (CONTD)
out that that development was in 20 foot increments rather than 25 foot, I think we could see what Mr. Sheldon is mentioning has been done in other cities, so I would now recommend that we use the same language that we're going to be recommending under the C1--"there shall be no minimum lot size requirement".

ACTION: Mr. Wessinger moved to adopt the amended staff recommendation regarding Section 33.36.080 Minimum Lot Size. Section 33.36.080 to read as follows:

33.36.080 Minimum Lot Size. There shall be no minimum lot size requirement.

Mrs. Gustafson seconded the motion.

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon, Sheldon and Wessinger

Nays: None

Motion carried unanimously.

MR. O'HISER:
Page 37, Maximum Lot Coverage and this reads, "There shall be no limitation on lot coverage, except as may result from application of the minimum yard requirements of Section 33.36.120".

MOTION: Mr. Minden moved to adopt Section 33.36.090 Maximum Lot Coverage as recommended by staff.

Mr. Wessinger seconded the motion.

MR. SHELDON:
Now, Rowland is looking at the reference to Section 33.36.120 which does spell out the minimum yard.

MR. O'HISER:
I would think that when you come to that you can adopt it or alter it and whatever you do with it....

MR. ROSE':
I guess I'll shut up until we get there.

MR. SHELDON:
Is there any public comment on this section?
Call the roll.

ACTION: The roll was then called on the motion to adopt Section 33.36.090 Maximum Lot Coverage as recommended by staff, as follows:

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon, Sheldon and Wessinger

Nays: None

Motion carried unanimously.

MR. SHELDON:
Now we would be on Section.100.

MR. O'HISER:
.100, Page 38, and I do have an amended language which is similar to what Mr. Bonner advanced to you in the public hearing previously.

MR. ROSE':
In there it says without any review unless it had 20 percent other than residential--above that it comes before you, then you get the review of it. Am I right, Rod?

MR. O'HISER:
Yes. It's through a conditional use. It's a little bit different than Ernie had advanced. He suggested may an outright 40 percent but we felt in review of this....

MR. ROSE':
That's all right because that was one of the points made originally; that it could be that certain unique architectural characteristics would demand much more than 20 percent.

MR. O'HISER:
The first section of this subsection--the first item I should say on the maximum floor area, "A maximum of 20 percent of the regularly permitted floor area built on any site may be used for...uses permitted by Section 33.36.040", and we're really getting back to those that may even amended that to include all commercial uses under Cl. "An additional", this is the new language--important language--"An additional 20 percent of the regularly permitted floor area built may be granted as a Conditional Use for uses permitted by Section 33.36.040".

MR. WESSINGER:
Doesn't this go back to 33.56?

MR. ROSE':
No, .040.

MR. WESSINGER:
All right, so we're striking out....

MR. SHELDON:
No, we're not striking anything, we're just adding a sentence at the end of (1) which allows an additional 20 percent of the regularly permitted floor area built may be granted as a Conditional Use for uses permitted by Section 33.36.040.

MR. WESSINGER:
I'm confused then. We're starting with page 38 and there it starts out that...permitted on any site shall be as prescribed in Chapter 33.56.

MR. SHELDON:
Right.

MR. WESSINGER:
Now, we're striking that.

MR. SHELDON:
No, that stays there.

MR. WESSINGER:
No, that is not what the staff recommendation says because it starts with the section with the words that say (1)--it starts with that one and then you're striking the entire material...

MR. O'HISER:
The intent of those three dots was to cover the first sentence.

MR. WESSINGER:
Well, it does not say that.

MR. SHELDON:
O.K., but that's what Rod meant, was that. He's essentially just replacing the second sentence.

MR. WESSINGER:
All right, then, we're starting with the second sentence.

MR. SHELDON:
Right.

MR. WESSINGER:
All right.

MR. LABADIE:
Rod, is it intended that for this additional, it has to be 20--it says "an additional 20 percent".

MR. SHELDON:
No, it should be "up to". It could be anything. I think that was clearly the intent that this one be flexible.

MR. MINDEN:
That's a good point.

MR. SHELDON:
I think "up to an additional 20 percent of the regularly ...".

MR. SHANNON:
By limiting it to 33.36.040, if you had any conditional use under 33.36.160 would be allowed?

MR. ROSE':
We're going to get to that later.

MR. SHANNON:
I know but the way this language is it doesn't recognize--if I read this correct it says that those uses are allowed to have expansion but those uses that might be granted as a conditional use wouldn't be allowed to have an expansion here, which would include things like community clubs, athletic clubs, hospitals, libraries, public parks.

MR. VAIL:
They would apply like the Multnomah Athletic Club for an expansion--they still can apply--any conditional use can reapply.

MR. O'HISER:
We will be coming into that later.

MR. SHELDON:
All right. Let's clarify this question that Dave has raised, because it would seem confusing to me also that by adopting this language irrespective of what would happ in .160 later on--hopefully this evening--that we would be saying that this potential 40 percent development would not be able to take advantage of that, or would it.

MR. O'HISER:
We would only include the permitted. We weren't intending that those uses which are condition in C1 would be allowed. I know we haven't settled this.

MR. ROSE':
We haven't even got to that yet.

MR. SHELDON:
Let me make a suggestion for the Commission. Let's let us keep in mind that when we get to .160 and make whatever modifications are agreed to, that then we'll take up the point of

MR. SHELDON (CONTD):
trying to correlate that back through these previous sections.

MR. O'HISER:
I don't know whether this is the time, but I think there is some confusion about what we will be getting into in the .160. There we will be getting into conditional uses and tacted as a structure where earlier we were talking about a situation where there would be a multiple use building and the conditional uses that you're going to be looking at in .160 are entire buildings, not part of an apartment house and...

MR. SHANNON:
Now, wait a minute. Rod, if I could understand this. Hypothetically, we have a conditional use which is a school nursery, like Portland State nursery up there.

MR. O'HISER:
It would not be part of an apartment house.

MR. SHANNON:
All right. But if I understand this correct, if you want to use 40 percent of your building for a nursery and 60 percent for residential, you couldn't do it under this program. You could only use 20 percent if you are building for residential.

MR. ROSE':
No, you could 20 percent increase by conditional use which means review. That's the way I interpret it.

MR. SHANNON:
No, see I don't interpret it... If it happens to be a use that's allowed in AX because it's a conditional use, once it's in there it can only be...well, no, that's not....

MR. O'HISER:
It doesn't have anything to do with the 40 or the 40/60 situation--a multiple use building. There are conditional--Portland State can build in this zone through a public hearing without having any residential development but I think some members are entertaining the thought that some of those uses which are conditional in C1, maybe ought to be allowed to be developed in a multiple use building.

MR. SHANNON:
That's what I meant.

MR. ROSE':
That's what we're all driving at.

MR. GOODELL:
Well, the, you've got to add 33.36.160 after...

MR. O'HISER:
Well, it wasn't the staff's intent to do that, but it's certainly open.

MR. SHELDON:
I think, again, I suggest that when we get to .160 that if we want to make it retroactive and include it in this language. You could have 40 percent of your so-called "residential" building. It could be a nursery up to 40 percent.

MR. ROSE':
What a building.

MR. SHELDON:
Exactly.
Is that correct, with this language that we have now, that is,the staff's recommendation.

MR. WESSINGER:
Mr. Chairman, before we go on on this, I'm going to ask to have several different examples of types of buildings and exactly what this applies to, cause I'm certainly not clear.

UNIDENTIFIED:
Just a comment on this. This final 20 percent might be a little difficult to define when you get right down to talking about corridors, core areas, things that are applicable to either business or is applicable to residential. Is that going to be addressed someplace else, because that might be a little bit of a hair-spliter when you get down to real building.

MR. VAIL:
Elsewhere in the code we use the building area by gross floor area which is a defining terms which is measured from inside the walls excluding parking. That's a definition.

MR. ROSE':
His point is a multiple use--main lobby and corridor, and he's got a good point.

MR. VAIL:
It's still gross floor area.

MRS. ROSO:
Yes.

MR. ROSE':
Because I have a lot of questions on 2.

MRS. ROSO:
I understood that paragraph 1 amended--nullified paragraph 2.

MR. SHELDON:
No.

MRS. ROSO:
I move 33.36.100, paragraph 1, as amended and including "up to" and deleting paragraph 2.

MR. ROSE':
You can't delete 2.

MRS. ROSO:
Why not, you've already got the bonus in there.

MR. SHELDON:
No.

MR. ROSE':
Just make it 1 and I'll buy it.

MR. SHELDON:
Just say 1.

MRS. ROSO:
All right.

MR. SHELDON:
All right, we have a motion to adopt the first paragraph 1 of Section 33.36.100 as amended by the staff and with the further addition of language of "up to an additional 20 percent".
Any further comment on that.

MR. SHANNON:
My understanding is a vote in favor of that would be a vote in favor of allowing principal uses but not conditional uses to occupy that 20/40 percent.

MR. SHELDON:
That's my understanding of the staff's comments.
And it would seem to me--Bill, you had asked for a list of uses.

MR. O'HISER:
Illustrations.

MR. SHELDON:
Could you just respond to that, Rod.

MR. O'HISER:
I guess I was--well, I think we'll probably get into it when we get to .160, the kinds of uses that are not part of this inducement.

MR. SHANNON:
This issue is, I think, do we want--why should we limit--if you're going to allow a use of AX, one you go through review, the other don't, but assuming you go through review, why should you then set a new standard for that one than you do for principal uses. Now, that's the issue why I think examples are important and not to be allayed by waiting until .160.

MR. SHELDON:
Well, let me put it another way, Rod. What is the staff's feeling about essentially modifying your recommendation to include conditional uses.

MR. O'HISER:
I guess I'm hedging because I'll have to go back and look at that list to see whether all those uses would be--I mean that entire list--I wouldn't want to lead anyone astroy to have them come in and apply for something that would not be a compatible development as a multiple use development--there may be some of those conditional uses, the nursery, maybe yes.

MRS. GUSTAFSON:
You don't want a mausoleum.

MR. O'HISER:
Mike has pointed out that that's a safeguard of the conditional use hearing, is you say no, that's an incompatible mix, you don't want that kind of conditional use in your apartment house. On the other hand, some of them would be suitable.

MR. SHELDON:
Is there a mechanism in this language that would allow a nursery school in an apartment, even under conditional use, to make an application.

MR. O'HISER:
Not the language that we have advanced and I think that's probably a fair proposal that there are some uses that staff would find compatible, so I suppose we should open it.

MR. ROSE':
My big problem is, I have a hard time figuring out why you can have a conditional use for the first 20 percent and suddenly say that now you smell and you can't have the next 20 percent.

MR. O'HISER:
I've been firm in saying you can't in the first 20, also.

MRS. GUSTAFSON:
Can we vote on Sharon's question and then come back and discuss the changes that would be necessary.

MR. SHANNON:
If you're voting on Sharon's as an amendment, but she's asking for a passage of the main motion. If her motion were to amend the section, then that would be fine, we could talk about other amendments and if her motion is simply on the main motion, that's fine too, but this is a significant thing.

MRS. GUSTAFSON:
Why don't you make your motion to amend and then we can talk about other amendments. In other words, instead of moving the whole motion, just move the amendment.

MRS. ROSO:
I have one question, I'm afraid. We just went through the uses that are permitted in this zone and now we're questioning whether they're permitted in this zone under this floor area. I assumed when I made the motion that the uses that we just previously talked about were the same uses that would be allowed under either 20 percent and that was inflicted in my motion. If that's wrong, then I'll withdraw the motion.

MR. O'HISER:
That's correct.

MRS. ROSO:
Then what's our question.

MR. SHANNON:
It's those conditional uses in .160.

MR. SHELDON:
We haven't come to it yet.

MR. STEVE DOTTERRER:
I have a problem. If a person comes in with a conditional use for a nursery, can he get a nursery with 60 percent residential on all of it as a conditional use. Couldn't that be a conditional use.

MR. SHELDON:
I don't know, could he?

MR. HARRISON:
No, he couldn't, but you could allow him to do that by amending it to read permitted by Section 33.36.060 or Section 33.36.160.

MR. SHELDON:
That seems reasonable.
Do you accept that modification?

MRS. ROSO:
Yes.

MR. SHELDON:
Who was the second on that?

MR. ROSE':
I was and I'll buy that.

MR. SHELDON:
Fine.
Any further discussion?

MR. BARNETT:
Is she moving the passage of 33.36.100, section 1.

MR. SHELDON:
That's correct.

MR. BARNETT:
Which includes this additional sheet.

MR. SHELDON:
Right.

MR. BARNETT:
And it has nothing to do with 2.

MR. SHELDON:
That's right.

MR. BARNETT:
O.K.

MR. ROSE':
We're not talking about 2 yet.

MR. GISVOLD:
Regularly permitted, it seems to me superfluous. If you have the floor area substantially built you're talking about

MR. GISVOLD (CONTD):
"regularly permitted", I think, adds, as exists, confusion.

MR. O'HISER:
I think Mr. Shannon had suggested that we--that's the same kind of thing that we should clarify what that means--now permitted uses and conditional uses.

MR. GISVOLD:
We suggest that you delete the second "regularly permitted".

MR. SHELDON:
Any further comment?

MR. WESSINGER:
Yes, how will it read.

MR. GISVOLD:

...20 percent of the floor area building, instead of "regularly permitted floor area built".

MR. SHELDON:
So, we're going to be essentially adopting the staff language with the following changes. The "up to" 20 percent suggestion made by Joe, the suggestion of the staff to add the second section 33.36.160, and then Dean's clarification of "regularly permitted". What was your language?

MR. ROSE':
"of the regularly permitted" delete that.

MR. O'HISER:
"of the floor area built".

MR. SHELDON:
"20 percent of the floor area built".

MR. WESSINGER:
All right, at the end of that sentence do we also have .160.

MR. SHELDON:
Yes.

MR. WESSINGER:
We have that .160 twice.

MR. SHELDON:
Yes, that occurs twice. All right, any further discussion. Call the roll.

ACTION: The roll was then called on the motion of Mrs. Roso, which was seconded by Mr. Rose' to adopt subsection 1 of Section 33.36.100 (Maximum Floor Area as modified by the staff and to amend subsection 1 to add the words "up to" in the third sentence of subsection 1; to add the words "or Section 33.36.160" to the end of the second sentence and to the end of the third sentence of subsection 1; and to delete the words "regularly permitted" from the third sentence of subsection 1. Subsection of of Section 33.36.100 to read as follows:

33.36.100 Maximum Floor Area

(1) Maximum floor area permitted on any site shall be as prescribed in Chapter 33.56 (Downtown Development Zone). A maximum of 20 percent of the regularly permitted floor area built on any site may be used for offices or business and service uses permitted by Section 33.36.040 or Section 33.36.160. Up to an additional 20 percent of the floor area built may be granted as a Conditional Use for uses permitted by Section 33.36.040 or Section 33.36.160.

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon, Sheldon, and Wessinger

Nays: None

Motion carried unanimously.

MR. SHELDON:
O.K., on to subsection 2.

MR. O'HISER:
Mr. Chairman, the item 2 would be held up until we get into the question of transferring bonuses.

MR. SHELDON:
You're not proposing that we address this.

MR. O'HISER:
No, I think we need to get back at that when we encounter it--after we've encountered it fully.

MR. SHELDON:
All right.

ACTION: Staff recommended that subsection 2 of Section 33.36.100 be deferred until the Commission gets into the question of transferring bonuses. By unanimous consent, the Commission deferred subsection 2 of Section 33.36.100.

MR. SHELDON:
What is your next....

MR. O'HISER:
We are now on page 41, Maximum Height.

MR. SHELDON:
Page 41, Section 33.36.100, Maximum Height.

MOTION: Mr. Rose' moved adoption of Section 33.36.100 Maximum Height, as proposed.

Mr. Barnett seconded the motion.

MR. SHELDON:
Any discussion?

MR. GOODELL:
I would request that you defer action on this section also until we get into the height and density.

MR. O'HISER:
Well, all this says, Stan, though, is that whatever we finally decide...

MR. GOODELL:
That's what the other one did also; Section 2 in 33.36.100 referred to 33.56 as prescribed.

MR. SHELDON:
Do you see that these two issues are similar, Rod.

MR. O'HISER:
Well, it could be handled either way.

MR. ROSE':
There are other problems with item .100 paragraph 2 then just the reference.

MR. O'HISER:
I think this one could be voted on and the other one--they're similar.

MR. SHELDON:
Doesn't it seem logical, Stan, all it says is that we're going to do what we're going to do.

MR. GOODELL:
Without getting into the area...

MR. SHELDON:
Right.

MR. GOODELL:
Fine.

MR. SHELDON:
Any further discussion?
Call the roll.

ACTION: The roll was then called on the motion to adopt Section 33.36.100 Maximum Height.

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon, Sheldon and Wessinger

Nays: None

Motion carried unanimously.

MR. O'HISER:
The next section is that of covering Minimum Yards, .120 on page 42, and there's two parts to this, the first of which sets forth a minimum yard from the street of 10 feet and that is, I think, from the previous ordinance.

MR. WESSINGER:
Do we have any variances from that at the present time, Rod, that we would be talking about.

MR. O'HISER:
Yes, there are some non-conforming buildings that are right out to the property line on the Park Blocks.

MR. WESSINGER:
The Park Blocks are not in the AX zone are they?

MR. ROSE':
Yes.

MR. MINDEN:
There must be quite a few buildings.

MR. O'HISER:
The consultant has pointed out that he has advanced or is conforming with a previous requirement that came in after those apartments were built to provide light and air and I suppose a certain amount of removal from street noises.

MR. ROSE':
You're kidding.

MR. O'HISER:
Ten feet is better than zero, I suppose.

MR. SHELDON:
This is 10 feet, the current AO.

MR. O'HISER:
It is.

MRS. GUSTAFSON:
Are there ten when you walk into the big apartment buildings in this area.

MR. O'HISER:
No, Mr. Wessinger asked that question and most of the buildings do not conform to that ten feet but they were built prior to 1959. Ione Plaza.

MRS. GUSTAFSON:
If you're really talking about an urban environment, ten feet is hardly enough--no effect really. What's the difference. Why do you use that.

MR. WESSINGER:
Landscaping mostly, I'm sure.

MR. GOODELL:
May I suggest this is an opportunity for a proposal that was enunciated several meetings ago where this be one of the flexible things that Design Review have the power to play with and that may be an articulation of this in the ordinance itself; it's not in itself a bad idea, but that it be one of the things that a private developer have flexibility with.

MRS. GUSTAFSON:
But why do you want everybody to have to go through Design Review. This affects everybody who builds.

MR. GOODELL:
I think the way the Design Review ordinance is headed, the Design Review part of it, is that everybody who builds will come under it.

MR. WESSINGER:
Rod, is the historical society in violation on this.

MR. O'HISER:
They are in violation of this. They are a non-conforming building on this, and I don't recall how that--there was a ten foot setback, a service station had to put a wall up adhereing to that 10 foot setback but I don't recall the circumstances of the construction and design review of that historical building.

MR. WESSINGER:
And the First Presbyterian Church is also.

MR. O'HISER:
The historical building was built after the ordinance passed. One was and one wasn't.

MOTION: MRS. ROSO:
Mr. President, I move that we refer this back to staff for rewording for bringing in the Design Review aspect or dropping the whole thing if that's the easy way to handle it.

MR. MINDEN:
Second.

MR. WESSINGER:
I'd like to hear from staff on this.

MR. ROSE':
I would like to have them explain item 2. a.

MR. SHELDON:
O.K., well, there is a second to the motion so it's on the floor now. Rod, you're up.

MR. WESSINGER:
Rod, what's your feeling about this. I would like to know why with so many violations of this in this area--what's the theory of this.

MR. O'HISER:
What it was is the consultant noted to provide a little more privacy and light and air so that you don't have apartment units right on the sidewalk.

MRS. GUSTAFSON:
It's always interesting to look into libbies. You can't look into them if they're 10 feet back.

MR. O'HISER:
But there are a number of, as you walk along the Park Blocks, you look right into an apartment house, so the 10 feet is very minimal dimension that you could have landscaped and a hedge and so forth.

MRS. GUSTAFSON:
You're going to have to figure anybody who's going to build something new is going to want to build something somebody's going to rent, and assume that they will want to rent on the first floor; they're not going to want anybody looking in their living room window and they won't do that.

MR. SHELDON:
Not necessarily.

MR. WESSINGER:
Don't you have a lot of Portland State that would be in violation on this.

MR. ROSE':
Sure.

MR. MINDEN:
They're grandfathered in, aren't they.

MR. SHELDON:
Well, yeah. I don't think that it's too critical to be concerned about what's already been built. You're really after what will come beyond.

MR. ROSE':
The point is, what about if it's commercial on the first floor.

MR. WESSINGER:
One time we say that in a particular part we're not going to allow people to build back from an area and here we're saying that we're forbidding them to build up to the property line. Is it compatible with these particular areas?

MR. SHELDON:
I think, frankly, what's happened, and that's why I like the motion that is on the floor, is that these were really built around the assumption of a single purpose residential building and under those circumstances I would quarrel even then with some of them. I can understand the basic theory. What has evolved, however, is a much, I think with allowing up to 40%, it's much more likely that you're going to have mixed use development than single residential use and under those circumstances, then the whole rationale begins to crumble because presumably the commercial will

MR. SHELDON (CONTD):
will indeed be on the first floor and then the notion of an unkept area in front of a commercial window doesn't make much sense and in fact the whole rationale that the same consultant figures for downtown, no blank wall, etc., etc., begins to say or suggest that maybe in this area that kind of development would more appropriately be on the sidewalk. So, what I think the staff ought to do is sort of make some recommendations that relate to residential on the street and I could see that being required to be setback in the event that some residential units are in fact down at the first grade, but if all of these grade level development is commercial or non-residential uses, then I could see allowing the developer to build right to the property line.

MR. WESSINGER:
All right, so that's what is the present motion.

MR. SHELDON:
The present motion says that this should be referred back to the staff for review and rewrite with also the suggestion that I think Stan made, I believe, that possibly some of these issues might be better controlled by Design Review and that we would be building in more flexibility, I think, under his presumption, and I would agree with that.

MR. WESSINGER:
I would call for the question.

MR. MINDEN:
I like that idea.

MR. SHELDON:
Before we vote is there any other comment?

MR. ROSE':
One other comment just for an example. Fifteen feet in depth and twenty feet in length--I've got real problems with what you're talking about there.

MR. O'HISER:
2.a.?

MR. ROSE':
Yes. I mean, let's take a look at it and clear it up so people can understand what you're talking about there.

MR. O'HISER:
Well, you're referring back the entire section.

MR. SHELDON:
Yes. I think Rowland and I would say the problem is not only with the front yard but it's the language on the court that's also ambiguous and argumentative, in fact, I mean, who says.... I have some question with those particular sizes particularly in light of the fact that we have just removed the lot size. I have been in plenty of San Francisco houses that have pretty decent windows facing on 4 x 4 like courts and they work.

ACTION: The roll was then called on the motion by Mrs. Roso, which was seconded by Mr. Minden, to refer Section 33.36.120 to the staff for review and rewording with the suggestion that possibly some of the issues involved might be better controlled by Design Review, as follows:

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon, Sheldon and Wessinger

Nays: None

Motion carried unanimously.

MR. SHELDON:
Before you take up the next section, why don't we have a little informal agreement here. Rod, how much were you envisioning that we would get through this evening. Let's sort of set your goal against reality at this point.

MR. O'HISER:
We're nearly one-third through.

MR. SHELDON:
You would be disappointed then to adjourn.

MR. O'HISER:
If we could get through AX tonight.

MR. SHELDON:
How does the Commission feel. It's a little after ten, should we continue on through it, at least the AX.

MR. WESSINGER:
I can't, I've got to go. I have a very early meeting tomorrow.

MR. SHANNON:
Mr. Chairman. Frankly, it's a very important decisions we're making and you rush and I have problems with them and just looking to through the next section; we haven't even come to the Design Review section and I don't recognize the difficulties that may or may not be in some of these other sections.

MR. O'HISER:
I was going to recommend that we pass by the sign and then there's another one you'd probably ask us to pass by because it's tied into the one that you sent back to staff, so that gets you into conditional uses.

MR. SHELDON:
O.K., if we were to pass by the Signs Permitted one and take it up later, the next one would be .130 Minimum Distance Between Buildings.

MR. O'HISER:
Well, that one is tied into courtyards. I think you would like to defer that because you want us to come back.

MRS. GUSTAFSON:
Can I ask that if anybody has difficulty with this they will talk to staff beforehand so we don't have to read through the whole thing.

MR. O'HISER:
I would like to speak to the Chairman on that because of his familiarity with the design aspects--Mr. Rose' as well.

MR. SHELDON:
O.K., so you're proposing then that we would deal with .150 and .160 and .170 and .180 before adjournment tonight--that's what you would prefer.

MR. O'HISER:
Yes.

The Commission unanimously agreed to defer Section 33.36.130 for staff rewording and to defer Section 33.36.140 for additional comments.

MR. O'HISER:
.150 is merely a cross reference to other sections of the zone ordinance.

MR. SHELDON:
Do we have a motion.

MOTION: Mr. Minden moved adoption of Section 33.36.150 Accessory Buildings and Uses, as proposed.

Mr. Rose' seconded the motion.

MR. SHELDON:
Any Commission discussion?

MRS. GUSTAFSON:
Would you tell me what it means.

MR. SHELDON:
All right, Rod?

MR. O'HISER:
The cross reference?

MRS. GUSTAFSON:
The whole thing.

MR. O'HISER:
Well, I think it may appear to be redundant because it is covered in another section of the ordinance--I mean the provisions are covered--and I don't have the ordinance in front of me.

MRS. GUSTAFSON:
What's an accessory building and use?

MR. O'HISER:
A garage...

MR. ROSE':
Storage shed, outhouse, you name it.

MRS GUSTAFSON:
And those things have to be in this zone?

MR. SHELDON:
Well, not really.

MR. VAIL:
Well, the section it's referring to says that "No separate permit shall be issued for the construction of any type of accessory building or use prior to that of the main dwelling". In other words, you can't build an accessory use before you build the main use, and then it goes into classifications and there are five types. There is the garage type of use, and I guess they have eliminated some, and there's swimming pools, tennis courts, and then the business convenience of residents of an apartment house, and home occupation classification.

MRS. GUSTAFSON:
Thank you.

MR. O'HISER:
The definition is a little more general than what Mr. Rose' mentioned. I don't know if you want that read.

MRS. GUSTAFSON:
No.

MR. SHELDON:
Is there any public comment about section .150?
Call the roll.

ACTION: The roll was then called on the motion made by Mr. Minden, seconded by Mr. Rose', to adopt Section 33.36.150 Accessory Buildings and Uses, as follows:

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon, Sheldon.

Nays: None

Motion carried unanimously.

MR. SHELDON:
O.K. Rod, .160.

MR. O'HISER:
This section has two sets of CAC comments and I want to refer you back to the page where there was earlier comment and I'll find that in a moment.

MR. SHELDON:
I think that was way back in the beginning.

MR. O'HISER:
Page 29. I think first is the list of uses the CAC had suggested that perhaps it should be altered slightly and regarding item 1 that Churches be changed to read "Places of Worship" and the staff would concur with the recommendation that that be so altered and the CAC also suggested that "Artists' studios" would be an appropriate use to be considered under the conditional use procedure and would identify that as item 21 of that list.

Now the CAC, back to the page 29, covers the concern of people who had met with the CAC Task Force and a question that was raised whether or not the area may become predominately non-residential if there isn't some control over how many conditional uses are permitted. It was noted that there's a substantial number that already exist. Of course, the area south of Market Street is predominately used for the university. Staff felt that that control--that there would be safeguard if a conditional use appeared to have a negative impact in the neighborhood, it wouldn't be allowed. I think Mr. Gisvold may want to speak on this particular point.

MR. GISVOLD:
May I ask Rod a question. Would the maximum floor area be an absolute prohibition, a limit to 40%.

MR. SHELDON:
Absolutely.

MR. GISVOLD:
Then I don't think that that was taken into consideration.

MR. SHELDON:
It doesn't sound like it was.

MRS. GUSTAFSON:
Conditional uses don't have to come in under that. They may, but they don't have to. You can build a church without having housing on top of it.

MR. GISVOLD:
O.K., then, that was our question, for clarification.

MR. SHELDON:
All right, so you're saying that your concern is that, for example, of these items listed here, 1 through 21, which could be uses 100 percent.

MR. GISVOLD:
It could cut into the 60 percent or 80 percent and it would be a further encroachment on housing. The review process is going to take care of part of some of that but unless there is some limitation that they have, they could simply find some justification for it. I suppose once you got over a certain point where conditional uses predominated then the argument would be quite clear that you could allow--it would become easier to allow conditionals.

MRS. GUSTAFSON:
And it's also clear, from what happened in the Northwest, that merely saying you have to look at it is no protection at all. I mean saying the people look at a conditional use to see that it is good for the neighborhood doesn't protect anybody.

MR. GISVOLD:
You notice we left out the percentage of the limitations that would be deferred to staff. We thought it ought to be at least discussed.

MR. SHELDON:
All right, Marjorie, so what you're saying is that there could be a situation where between Portland State University, various community clubs and athletic clubs and perhaps places of worship, that there would be a steady erosion of land available for residential uses.

MRS. GUSTAFSON:
I'm just saying in response to Rod's response. Rod's response was that the conditional use is to protect the neighborhood and I simply think we have good evidence in the Northwest that it didn't and I don't know of any particular reason to believe that

MRS. GUSTAFSON (CONTD):
when you do things on a case by case basis that the applicant always has a reason for changing that, that you're going to have that protection. I would doubt that writing in a percentage would be good but you might want to write in some kind of sentiment about particular care in not changing the balance or the residential climate or something. I mean, I don't think you can say have 2% or 20%.

MR. SHELDON:
I also take a different tact or at least ask a different kind of question. It seems to me Rod that this list of Conditional Uses is based pretty much on uses that are already there--churches, for example. Realistically, how real is it that a new church would come into this area and buy land at the price that they're going to have to pay for it to build a church. It strikes me as being very unlikely. For that matter, how many fraternities or social clubs would come in here and buy land at this price. Now, all these uses that are already there are obviously going to be protected. They don't need to be further protected by conditional uses and it strikes to me that maybe what you really want to do is forget what's there and just assume that it's adequately covered by a grandfather and look at what seriously might want to come in here to support what the goal and philosophy of the AX zone is and allow that under conditional use and I suspect that you would wind up with a hell of a small list.

MR. O'HISER:
Staff kind of went through that sort of observation. We though, well, let's leave them on the list because you'd end up with a lot of non-conforming uses and concern about that.

MR. SHELDON:
Haven't we thought about liberalizing the conditional use.

MR. O'HISER:
That's true, as far as expansion and so forth.

MR. SHELDON:
You know, the threat that the non-conforming use, do you suppose, might be removed now.

MR. O'HISER:
But we thought--they are listed, but realistically there are very few of them would likely to be developed in the area.

MR. SHELDON:
I don't see any hospital moving down there, frankly.

MR. O'HISER:
Well, there might be some sort of a facility.

MR. DOTTERRER:
On the hospitals, I would like to recommend that that be struck, 9 and 10, since when we set up the extension of the AX zone a couple of meetings ago, we very carefully avoided the hospital and gave them a proposed medical expansion zone of their own, the way it was described. I don't think we ought to keep the hospitals in the AX zone.

MR. GOODELL:
You have effectively gerrymandered this so that the hospitals in the area are out ofthe AX zone.

MRS. GUSTAFSON:
Of course, the truth about a lot of these uses is that...

MR. HARRISON:
You have an adopted goals of this section for the Park Blocks to encourage additional uses such as libraries, museums, etc., in the adopted goals and guidelines from Council.

MRS. GUSTAFSON:
Is it necessary to have 16. Is that just a practical and suppose to be in a residential area of that size.

MR. MINDEN:
I don't think you can eliminate that.

MR. VAIL
It's better they're conditional uses than permitted as they are in a commercial and industrial zones.

MR. GOODELL:
I'll throw a real wierd one out at you. This is off the top of my head. Now, just assumed that we started building residential.

MR. SHELDON:
Crazy thought.

MR. GOODELL:
My question is will there ever be a demand for a public school. Public school is gone to Portland State. You have, "Schools, nursery" and I can see a nursery school as a part of another structure and I would say, "schools, nursery, if included in residential buildings". "Schools, parochial and private"--well, let me just say first that you have already taken care of colleges,

MR. GOODELL (CONTD):
and "schools, parochial and private". What I'm saying is "schools, nursery, if included in a residential building". Strike "schools, parochial and private". Strike "schools, public". Strike "convalescent homes"; strike "hospitals, general"; "hospitals, mental, remedial or detention"; and strike "nurses' homes or other residential buildings accessory to hospitals", not that I want to particularly strike residential buildings accessory to anything, but if you're going to strike the hospitals, you might as well strike them. O.K., then I think every other use ties in--"churches", or "places of worship", "residential buildings accessory to churches", "colleges", "community clubs"--maybe put "if included in a residential building"; "excavations and filling", well, that's self-explanatory; "athletic clubs, if included in a residential building or in a multi-use structure".

MRS. GUSTAFSON:
Why?

MR. GOODELL:
What I'm saying is I think some of these you can say, yes, they would be desirable as an adjunct to a residential building.

MRS. GUSTAFSON:
Isn't it a fact that community clubs and athletic clubs are not likely to take over an area like hospitals.

MR. GOODELL:
What I'm trying to do is get at this concern about reserving land for those uses, basically residential, that we want to go in there.
O.K., and then you've got governmental--you can't do anything about the feds. "Libraries", that's moot; "lodges or fraternal organizations or private clubs", you might even make the amendment that they have to be in residential; "museums", they're taken care of; "public parks", I think that's pretty well taken care of. I talking about that philosophy on this rather than...

MR. SHELDON:
Well, Dean, how do you feel about it?

MR. GISVOLD:
I have no quarrel. I think that is in the right direction. Let me just throw out another proposition. As long as you're going through the conditional uses, maybe you protect that by having a requirement that would be a--of the presentation, the statistics of the amount of gootage of whatever of the conditional use versus the residential being brought before the Commission and then, perhaps, some finding be made that this additional conditional use does not

MR. GISVOLD (CONTD):
tip the balance or is not going to be detrimental so that the specific issue be graded as to the amount of conditional use and at least it would be considered in terms of its impact on the entire residential zone as opposed to maybe just the narrow block around where it is being proposed.

MRS. GUSTAFSON:
Can you impose a specific condition like that upon one conditional use in one zone and not do it throughout?

MR. VAIL:
You can impose conditions however you felt they might apply in a particular neighborhood and they may differ area to area but on the same thing. Section .106 goes on to read that you can apply any condition you want to.

MR. GISVOLD:
The only other comment I have is on the "schools, nursery", I think day care centers and this kind of thing would be appropriate.

MR. GOODELL:
I would include that.

MR. SHELDON:
O.K., Stan, your language was schools, nursery...

MR. GOODELL:
O.K. I would strike 8, 9, 10, 11, 18 and 19. I would add the additional caveat that community clubs--the number 4, number 6 and number 13 and number 17 be expanded to--"schools, nursery" add day care-- be incorporated in the multi-purpose.

MR. O'HISER:
Up to 40 percent.

MRS. GUSTAFSON:
They must be or they may be?

MR. GOODELL:
Must be.

MR. SHELDON:
That they cannot be a single use on a piece of property.

MR. O'HISER:
If this were to be adopted, you would instruct the staff to go back and add the words referenced to C1 allowable uses, also such uses that are conditional.

MR. MINDEN:
I have a question here on number 10--not the hospitals so much. You know we have a new residential care facility ordinance and...

MR. SHELDON:
Well, I don't think you probably would have to worry about it in downtown, Gus.

MR. MINDEN:
But this is not downtown, this is AX.

MR. SHELDON:
I know, but you're talking about--it's a land value situation. The residential care facility--the whole crux of that program is to put these facilities in very residential, very quiet and obviously, also, available neighborhoods.

MRS. GUSTAFSON:
But that's the thing that Terwilliger is talking about--expanding this zone and we're talking about this being a zone that could go somewhere else.

MR. VAIL:
This could be the only zone that you would expressly exclude it from. You may run into a problem there even though nobody may acquire it--to specifically be exclusionary in this section may cause some problems because they're either permitted uses or conditional uses in all other zones.

MR. MINDEN:
The reason I bring this up--it was a Supreme Court decision that just went through.

MR. SHELDON:
O.K., but wouldn't number 20, Welfare institutions...

MR. VAIL:
No, because welfare institutions basically means you're non-profit.

MR. SHELDON:
All right, then the way to take care of that is just to add to 20, Welfare institutions and halfway houses.

MR. VAIL:
No, the appropriate terminology would be residential care facilities.

MR. SHELDON:
All right.

MRS. GUSTAFSON:
I would like to argue against Stan's motion.

MR. GOODELL:
It's not a motion.

MRS. GUSTAFSON:
All right. That the community clubs and athletic clubs and nursery schools and day care centers are always generally marginal operations, often not very much for profit, and if you're really saying we don't want them there, then we ought to exclude them. But if you want them there--who running a nursery school--I don't know who running a nursery school could go downtown anyway--but who running a nursery school could come in and build a building for residential uses--we all know it's very difficult. So, you're really saying you won't have them.

MR. GOODELL:
No, I don't think so. I quoted an example of an athletic club as marginal.

MRS. GUSTAFSON:
If you said to them they would have to build 60 percent.

MR. GOODELL:
No, no, no, what I'm saying is that this gives a group of uses to a developer of residential property that uses to have up to 40 percent of it commercial. This gives him added means of filling that.

MRS. GUSTAFSON:
Then you ought to make it possible for him to do that--that is possible for him to do that anyway by the amendment we made before. He may ask them in if he needs them, but you're saying they cannot live without him and I'm saying we all know residential is almost impossible anyway and to make these generally non-profit organizations put them in--putting residential just means you have to have them especially since they're uses that are just so fundamentally incompatible with residential use anyway--a gym and children screaming--I mean they are not things that would be easy to put in a residential setting.

MR. GOODELL:
I disagree.

MR. SHELDON:
As I see it, Marjie, Stan's point would be a case of a well-heeled private club, like the Multnomah Athletic Club, which for what reasons, choses to expand readically in the neighborhood. I think the essence of what Stan is suggesting is that that would be prevented, then they would have to build some residential to make it work.

MRS. GUSTAFSON:
Yes, right, that's what he's saying is to prevent it. If you're trying to prevent those uses, prevent them. If you think there should be day care centers, say you ought to have day care centers, don't say in order to have a day care center, you're going to have to build 60 percent housing.

MR. GOODELL:
I guess what I'm suggesting here is there has been a trend over the years for developers of apartments to build gymnasiums, spas, tennis courts, things like that in their projects--you say they're incompatible and I see a trend just the opposite. And what they do is form a club made up predominately, I presume, of members of people who live in the building.

MRS. GUSTAFSON:
Well, then that ought to be permissible.

MR. GOODELL:
It is permissible--you say ban them and I say they have a place.

MR. GUSTAFSON:
But you're saying in order to build an athletic club you must put it with residential.

MR. GOODELL:
In an AX zone.

MRS. GUSTAFSON:
O.K., and I'm saying that means very few--if you build an apartment and you want to put the gym in for the people there, you can do it, but if you want to have an athletic club and then you tell them you're also going to have to include 60 percent residential, they would never go there. They may not go there anyway. Certainly day care, certainly lodges--they're not going to get into something that's clear up over their heads. I think it should be permissible to put in a lodge or put in day care centers to fill up your 40 percent, but we already have made that permissible.

MR. SHANNON:
I'm not too sympathic with making too many changes. All I hear is that realistically we're not going to do much anyway with those changes. Also I think by knocking out 19, you pick it back up in 7 because 7 is an awful broad category and I'm not against having parochial and private schools if they can get in there for some reason. Often times churches will have schools connection with them in some fashion, other than day care centers, and I don't know whether you are going to knock them out.

MR. SHELDON:
But 17, as proposed, would have schools, nursery and day care.

MR. SHANNON:
I'm talking about 18.

MR. SHELDON:
All right, wait a minutes, we're just really getting into a semantics thing. If you have a category that says, "schools, nursery"and day care centers are allowed and then if it happens to be a parochial or private school, it's still a school.

MR. SHANNON:
No, it's an adjective defining or limiting schools, isn't it.

MR. SHELDON:
What is an adjective?

MR. SHANNON:
Schools, isn't it?

MR. VAIL:
There are four different types of schools defined in Definitions and if you just say schools, generally, then you're opening the door to schools, commercial. You have to be specific.

MR. SHELDON:
O.K.

MRS. ROSO:
Are you ready for a motion.

MR. SHELDON:
Sure. Let's get something on the floor.

MR. ROSE':
Before you do that, I think Gus and I had an issue we were discussing relating to a parking garage and I gave you an illustration of a development that includes a garage that takes care of more than a one block development and so forth, and the question was, should it be considered as an aid to the development of an area and if so, what should it be permitted to be used as--repair or service or parking or what. I think it's an issue that we should decide one way or the other.

MR. SHELDON:
I agree we should, but I would like to, I think, for maybe simplicity's sake, let's get Sharon's motion on the floor which I assume will clean up the basics and then let's discuss the question of the garage and then we'll just make that number 22, if that's the way it turns out.

MOTION: MRS. ROSO:
I move we adopt 33.36.160 excluding 8, 9, 10 and 11, including the words "day care" on 17 and the words "residential care facilities" on 20, changing "churches" to "places of worship" and adding "(21) Artists' studios".

MRS. GUSTAFSON:
Second.

MR. SHELDON:
All right, any discussion?
Call the roll.

ACTION: The roll was then called on the motion to adopt Section 33.36.160 Conditional Uses Permitted with the deletion of numbers 8, 9, 10 and 11, addition of the words "day care" to number 17; addition of the words "residential care facilities" to number 20; amending number 1 to read "Places of Worship" in lieu of "Churches"; and addition of a number 22 "Artists' Studios", as follows:

Ayes: Barnett, Gustafson, Minden, Rose', Roso, Shannon and Sheldon

Nays: None

Motion carried unanimously.

MR. SHELDON:
Mr. Rose', do you have a motion or an amendment.

MR. ROSE':
Well, you probably heard me talking a lot and so forth.

MR. LABADIE:
Under the earlier paragraph way back where you had permitted uses I understood that the uses are permitted which are in C1, is that right?

MR. ROSE':
Yes, Group 1, Group 2, 3, and 5.

MR. O'HISER:
Is part of the 40 percent.

MR. SHELDON:
But not group 4.

MR. SHANNON:
As defined in 33.44.040.

MR. ROSE':
Before I move a motion, I'd like to hear some comment from the other people about Mr. Minden's and my long discussion about the practicality of such a situation.

MR. SHANNON:
I would just say that there will be a three to three vote if you three are against it because I don't know why you're discriminating against or singling out the automobile. As long as it's an indoor activity and you've already got the noise, odor and other kinds of exclusions and if I lived in an apartment and did have a car, it would be awfully handy to be able to go next door or down the block to have, or down below, to have anything done with it, so I can't see the logic--as long as you go through a conditional use procedure--I can't see the logic excluding it.

MRS. GUSTAFSON:
What if you lived in an apartment and it wasn't you taking your care but everybody who lived downtown and they took it over your sidewalk and backed out over your sidewalk and you became living over a garage.

MR. SHANNON:
That could be possible except you've got limitations on the size which might be an effective way to limit whether you have a small or large garage, so that's going to limit--I mean the number of cars that are going to go back and forth, anyway, over it.

MRS. GUSTAFSON:
How do you limit size. It could be 40 percent of your building.

MR. SHANNON:
It's also a conditional use and would have to be compatible.

MRS.GUSTAFSON:
I'm assuming conditional use is very little protection.

MR. SHANNON:
Well, I'm just saying if somebody came in and said I want a--Dick Niles garage three blocks up, as an example, which is a full block with two stories, and say, hey, that's not compatible with what you've got. If somebody comes in--plus you've got in those kinds of circumstances, parking requirements too, don't you--I guess we've excluded those.

MRS. GUSTAFSON:
I think you're also talking about a situation in which there are very few gas stations downtown for a lot of reasons because of land use and the possibility, and we've already decided how much people need gas before they take off on freeways and go to the suburbs or before they get to their office from the suburbs and, of course, it may be there's not urban development that would feed into that area right now but why wouldn't whatever services the automobile in that area would just be a magnet for everybody who wants a little service before they're going to go home.

MR. ROSE':
Isn't the real question, Marjorie, of trying to provide a code here that we hope is going to promote development of the area.

MRS. GUSTAFSON:
No, I don't think so. I think the real thing we're doing is trying to develop a code that will promote what we want to develop and it will discourage development we won't want and I think if somebody said to you we could have a gas station every third block, you yourself would say, that's development, but I don't care for it, and I suspect that you have to be very careful in downtown where you're trying to get density of uses and when you're trying to get rid of some of the domination of the automobile to have automobile service magnets. If somebody could guarantee that the only people who get the service would be the people who live there, that would be fine with me but I don't think anybody would build a garage with adequate servicing for people who lived in an apartment building.

MR. ROSE':
I don't think you're giving the situation a fair appraisal.

MRS. GUSTAFSON:
Why?

MR. ROSE':
Well, you're going to exclude somebody that needs service, that doesn't live in the building; that's what you'd like to do.

MRS. GUSTAFSON:
You have C1Z all over downtown and C1Z includes auto-mobile uses. You have AX, which includes automobile uses. All you're saying is that this area will have more protection for people residential in the same sense that if you live in Easemore-land you can't go down a block and get service, you have to go a little bit further. You don't have to go anymore distance in Eastmoreland than you have to go in the AXZ. It's probably not much bigger or not much smaller. So, what you're saying is this is an area which will have different protection--you're absolutely surrounded by areas in which the kind of service you're talking about is available.

MR. MINDEN:
The difference is that you've allowed 40 percent commercial and that's a lot of difference between Eastmoreland--you don't have any commercial.

MRS. GUSTAFSON:
You're already allowing 40 percent, so already you have something that is not residential because you want to get resi-dential and we figure, number one, the commercial brings variety, and number two, it makes the residential possible, but there comes a time after which nobody lives in an area because there are too many cars, too much noise and there are too many fumes and you have to face that anyway downtown and all that I'm saying is that to allow that particular use is not the same as allowing foot traffic into buying at a store--that automobile traffic is a more noxious use in terms of residential areas than foot traffic.

MR. ROSE':
Now, wait a minute. You say more noxious use--to who?

MRS.GUSTAFSON:
The people trying to live there.

MR. ROSE':
What people?

MRS. GUSTAFSON:
Living in the apartment.

MR. ROSE':
Some people. To other people, it's just the reverse.

MRS. GUSTAFSON:
Very few people choose to live near noise. In fact, that way we make...

MR. ROSE':
Just way the phone a minutes. You say "live near noise". We're talking about covered parking, underneath the building, in the building.

MRS. GUSTAFSON:
You're talking about cars going in and out to be serviced at a garage and you're talking about magnet facilities offering gas and service.

MR. SHANNON:
Those are exceptions that you can't make because the fire code has certain requirements about when you can put it in and when you can't put it inside. Certainly you're not going to build any gasoline station today that can't pump between 70 and 100,000 gallons and there's no way that you could possibly put a facility in there that could pump more than 10 or 20,000 gallons a month, if it could do that. So, if you can get any code provision and I don't think you can about putting pumps inside a building that--you're talking about servicing the cars that are within that--so what you're really talking about is the other kind of service and also you're talking about putting people inside the building and not necessarily a drive-thru type of operation.

MRS. GUSTAFSON:
But not necessarily not. You haven't excluded that. You said that 40 percent of the building can be a garage and it can be gas station and it can be service and it can be body--I suppose not body--but it can be major service to a car and it's 40 percent of a building and you're not saying you can't go in and out and you're assuming if somebody builds it they would want to get as much service as possible and that business makes noise going in and noise going out and fumes. In zoning, why do we have--why mix commercial areas--why next to commercial areas do we have additional density. Presumably because it's less desirable to live next to commercial noises and cars. Next to business streets everybody comes in and says we can't have single family here because it is not desirable. Well, why when you have such a fragile situation here anyway, would you add a service which will make it more difficult to have it nice for living when the services available within a half a mile or 300 feet from the center of almost any of the blocks.

MR. MINDEN:
You're projecting a different thing then what I had in mind. What I was saying was not to exclude the possibility that there may possibly be a parking garage of some kind where the facilities would be handy for the neighborhood. That's all I'm saying. I don't think I intended to build a four-story garage.

MRS. GUSTAFSON:
But I think you're allowing it.

MR. MINDEN:
I think with condition use, you wouldn't have to allow that.

MRS. GUSTAFSON:
Well, I don't have any faith in that.

MR. SHELDON:
O.K., I think the question really is that everybody who is speaking for it has in mind a very minor kind of facility that would offer a very localized service for people who lived in the building and what it really boils down to is that economically a real possibility, and if the answer is no, then either one of two things is going to happen. Either nothing will ever happen and it just won't get built or somebody will come along and take advantage of this provision and will in fact build a garage which will serve a hell of a lot more than just the residents of that building or even the adjacent two buildings, so, it will be, in fact, a full scale operation because that's the only thing that's big enough to be economically justifiable. That, I presume, would not be acceptable to the Commission or acceptable to the concept. A little guy who handles two dozen cars a day and is a real service, that would be acceptable. So, really the question is, is it possible to control it and you know how do you do that. If you can't do it, then you've got to make a decision--it's either in or out.

MR. ROSE':
First of all, it's a conditional use, so it gets the conditional use review. That's the first thing and it's up to the proponent to develop the reasons why it's an adjunct or asset to the facility proposed--to the building in toto. Secondly, is a garage that you just described which would be a big facility what not in that area, if I were a parking operator would be probably less than marginal. It's that simple, because it's in the wrong place. That kind of a facility wants to get near the C1 zone. So in order to bring this to a conclusion I'll move that we adopt Group 4, item 2, for inclusion in .160 as item 22.

MR. MINDEN:
I'll second that.

MR. SHELDON:
I think there was some comment.

MR. HARRISON:
You could adopt with a provision that such a facility be established within a structure in association with approved AX use.

MR. ROSE':
That's all right with me. It's almost redundant.

MR. SHANNON:
Those are givens anyway.

MR. ROSE':
It's a conditional use on your .040.

MRS. GUSTAFSON:
We have not yet decided to have--at least, maybe in my absence--whether the building had to be all in one story or whether you could split up your uses. But conceivably somebody could build their gas station on one lot, plain old regular gas station, and they could build their apartment on the next part and they would fulfill the AX requirement, right.

MR. ROSE':
He said it must be contained in the mixed use structure.

MRS. GUSTAFSON:
But it's not in here.

MR. SHELDON:
So there would, in fact, be a justification of that language.

MR. ROSE':
I would include that in there.

MR. MINDEN:
O.K.

MR. ROSE':
I'm just trying to think for the poor guy that's got to go up here and try to make it pay.

MR. O'HISER:
Just kind of a clarification for me whether the intent of this is to also have a service station facility part of the garage operation--do you interpret the item 2 to include a gas station facility?

MR. ROSE':
I made the motion purposely that way--item 2, and it says, "garage, parking or repair" period.

MR. SHELDON:
No service station.

MR. ROSE':
Right.

MR. SHELDON:
All right, and then he's modified his motion and it's been accepted by the second that we would have the language which requires that it be part of the overal development.
Any further discussion?

MRS. ROSO:
I would like to make an amendment.
I would like to amend the motion to read, "Auto service accessory to required parking contained in a structure not to exceed one-quarter of the 40 percent maximum commercial floor space".

MR. SHELDON:
Is there a second to that motion to amend.

MRS. GUSTAFSON:
So what you're saying is the only service they could give is service for people that are already parking there and they could only park in there if they were parking in the area that was permitted.

MRS. ROSO:
It doesn't say that they can't service others, but it says that they can't put a servicing there if they don't have to have to already have parking there.

MR. ROSE':
I guess I misunderstood your motion. Are you referring to the total area--parking or just the service portion of an area.

MRS. ROSO:
The service portion.

MR. SHELDON:
Why don't you read your amendment.

MRS. ROSO:
Auto service--that doesn't say garage or repair--it could be car washing or filling tires or gas or whatever.

MR.SHELDON:
It couldn't be gas.

MRS. ROSO:
O.K., "Auto service accessory to required parking contained in a structure not to exceed one-quarter of the 40 percent maximum commercial floor space".

MRS. GUSTAFSON:
No, there isn't any required parking.

MR. VAIL:
No required parking.

MRS. ROSO:
None at all?

MR. SHELDON:
No. Just strike the word required. There will be parking presumably just by the developer--so you can just say parking.

MRS. GUSTAFSON:
Is this compatible with the parking plan.

MR. ROSE':
It's all got to work with it, obviously.

MRS. GUSTAFSON:
The parking plan essentially says you can't have free standing garages in this area everyplace. I mean--we are encouraging this presumably.

MR. ROSE':
I still done' understand the motion.

MR. MINDEN:
What it says is to keep the size of it down.

MR. ROSE':
Size of what, compared to what.

MR. MINDEN:
The repair area.

MR. ROSE':
But compared to what?

MRS. ROSO:
Compared to the entire--the total maximum commercial that could be allowed in a mixed use building.

MR. ROSE':
A quarter of the total parking area shall be devoted to service only.

MRS. ROSO:
It's the most that could.

MR. ROSE':
It's very generous.

MR. GISVOLD:
I was just thinking--it's almost eleven o'clock and I

MR. GISVOLD (CONTD):
think you're getting toward the intent where you want to end up but it seems to me you might want to give the staff an opportunity to put it in writing and maybe clarify some of the controls and regulations and bring back to the next meeting.

MR. ROSE':
Do you want to do it that way, Marjorie, or not. I think Marjorie is agin it anyway.

MRS. GUSTAFSON:
I'm not. I don't know how many services--how many garages essentially work at night. I mean, I don't know, in fact, that happens.

MR. ROSE':
We're getting into design problems we have no business getting into. It's just that if we have it self-contained and what not and any guy that's going to use an ounce of sense in that kind of a facility is going to take care of the logistical problems. Otherwise, he's got a bum facility and he can't rent.

MRS. GUSTAFSON:
I was not talking about the problem of the noise when they're working. I'm talking about attracting traffic.

MR. SHELDON:
Why don't we do this. Could I just suggest that Gus seems to be fairly receptive to Sharon's suggestion.

MR. ROSE':
I'll buy that.

MR. SHELDON:
All right, what if the staff essentially takes Rose's and Minden's motion as amended by Roso, clean it up and make it consistent and propose it as an amendment to this section at the start of the next meeting and to make sure that we're not going to create some problems.

MR. O'HISER:
In the intervening time, we'll contact Mrs. Roso.

There being no further business, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

ERB:eb

PORTLAND CITY PLANNING COMMISSION
Minutes of Meeting
5 August 1975

The regular meeting of the Portland City Planning Commission was held 5 August 1975 in the Auditorium of the Water Services Building, 510 S.W. Montgomery.

Present: Planning Commission: Sheldon, Gustafson, Barnett, Minden, Rose', Roso, Shannon, Wessinger
Staff: Bonner, Stout, Vail, Frost, Bissonette

WATERFRONT ESPLANADE

ITEMS FOR ACTION

DPR 41/CU 57-75, Car Wash; Harold Schnitzer, applicant, S.W. Clay Street between S.W. 11th and 12th Avenues.

DRP 44, Two-story Retail Facility and Sublevel Parking; Farwest Savings and Loan, applicant, S.W. 4th Avenue between Stark and Washington Street.

CU 53-75, Planned Unit Development; Multnomah County and Ralph and Louise Cardinal, applicants, north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue.

6445, Zone change request from R5 to A2.5 petitioned for by Wirthmore Homes for property at 1124 N.E. 57th; and Normandale Study.

V 17-75, Vacation of a portion of an un-named right-of-way (public pedestrian easement) in Block 13, Indian Hills, petitioned for by Emil Hirning.

Code Amendment and Code Interpretation Regarding Home Occupations.

Waterfront Esplanade

Mr. Sam Galbreath, Portland Development Commission, and Mr. Bob Frasca, Wolff, Zimmer, made a presentation to the Commission of the proposed Waterfront Plan. Mr. Galbreath stated they were

here to bring the Commission up to date on the work that is involved on the immediate construction plans that were approved by the Commission and the Portland Development Commission.

Mr. Galbreath stated that the Portland Development Commission did approve the consultant's contract for the detailed design of the first phase of the park; that the State Highway Department started work on July 7 on their field survey work that would be the basis for the engineering; and that they have been working to finalize the budget and enter into agreement with the various state agencies that will be a party to the funding.

Mr. Galbreath outlined to the Commission the proposed schedule for construction as follows: The preliminary field work will be completed by the State Highway Department this week; preliminary engineering will be completed by the first week of September; city bureaus will have all their design input to the state by the middle of September; bid for the construction work in the middle of October, and in the middle of December will hopefully award the contract for the development of the park with completion of the first phase by Rose Festival 1976.

Mr. Galbreath stated that what they hoped for in action by the Commission today was endorsement on the policy and procedural recommendation. He stated that those policies have been reviewed and action taken by the Portland Development Commission endorsing them as appropriate policies.

At this time, Mr. Frasca presented to the Commission slides of the proposed Waterfront Plan. Mr. Frasca stated there are three main ingredients to the plan as follows: 1) The Front Avenue Boulevard; 2) the Waterfront Esplanade; and 3) the new east-west connection from the downtown to the waterfront area in the Skidmore Fountain, the Morrison Bridge, and the Main Street pedestrian mall area.

Mr. Bonner advanced to the Commission the staff's proposed resolution of recommendation. He stated the resolution presented by staff would preface the policy and procedure recommendation if adopted by the Commission.

Mr. Minden asked if the plan includes the closing of Front Avenue. Mr. Frasca stated that the decision to close Front Avenue had not yet been made and that it was still open for consideration and discussion.

ACTION: Mrs. Roso moved, and Mr. Rose' seconded, adoption of the staff's recommendation for approval of the following resolution to preface the policy and procedural recommendation of the Downtown Waterfront Park:

Mr. Bonner pointed out the only change in the proposed code amendment would be to allow the identification of the occupation.

ACTION: Mrs. Gustafson moved that the Planning Commission adopt the staff report as presented. Seconded by Mrs. Roso. Motion carried unanimously.

Mr. Bonner presented the staff report regarding possible code interpretation for an Apartment Dwelling Office.

Recommendation: The staff believes that instead of requiring a home occupation permit or amending the Planning and Zoning Code for manager's office that a code interpretation would be more appropriate since such accessory offices are normally an integral, necessary and inevitable part of the operation of an apartment building.

Recommended Interpretation: As principal uses, "apartment dwellings" or "multi-family dwellings" include office space required for the management thereof, including the collection of rents and the showing of units to prospective tenants, whether such office space be located within the manager's apartment or in a separate room or rooms set aside for the purpose.

ACTION: Mr. Rose' moved that the Planning Commission adopt the staff report as presented. Seconded by Mr. Minden. Motion carried unanimously.

At this time, Mr. Sheldon stated that the DPR notification went out indicating a 2:00 p.m. time for hearing; and that there was 35 minutes until that time. By unanimous consent the Commission decided to hear the initial presentation by staff of CU 53-75 and then at 2:00 p.m. to go back to the beginning of the Agenda.

CU 53-75, Planned Unit Development; Multnomah County and Ralph and Louise Cardinal, applicants, north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue.

Mr. Shannon declared a conflict of interest and left the room at this time.

Mr. Vail presented slides of the area.

Mrs. Gustafson asked how many units would be allowed in this development. Mr. Vail stated that the ordinance granting the zone change did not specify how many units; merely that the zone was changed to R7.

Mr. Sheldon asked the architect, Jack St. Clair, what the overall parking ratio was per unit. Mr. St. Clair stated that they had assumed one per unit but that they have allowed for extra parking.

At this time, the Commission returned to the beginning of the agenda. (For further discussion on the above, see after DPR 44)

DPR 41/CU 57-75, Car Wash; Harold Schnitzer, applicant, S.W. Clay Street between S.W. 11th and 12th Avenues.

Mr. Shannon declared a conflict of interest and left the room at this time.

Mr. Vail stated that this was a continuation of a request that was on the last Planning Commission agenda, and at that time it was moved to be continued for additional information and input from the City Attorney.

Mr. Vail stated that the gest of the City Attorney's clarification was that the code is correct that a car washing facility used in conjunction with a gas station is a service station and those are conditional uses. (Exhibit A)

Mr. Vail presented slides of the area.

Mr. Mark O'Donnell, attorney representing the applicant, presented to the Commission several exhibits and outlined the content of each exhibit to the Commission.

Mr. Harold Schnitzer, applicant, presented historical background of his previous development proposals for the site, zone changes granted by the City Council and rationale for the current interim development proposal.

Mr. Schnitzer then presented slides which included drawings of the proposed car wash facility.

Mr. Cady, representative of Hanna Industries, stated that the hours of operation would be from 8 a.m. to 8 p.m. six days a week, not Sunday.

Mr. Bob Jenkins, architect for the applicant, presented his drawings for the project. He stated that they had taken extra precautions in their design to insure that it is below the ambient street noise.

Mrs. Gustafson asked if there were problems with vibration from car washes. Mr. Jenkins stated there was not.

Mr. Rose' asked if this was to be an interim development. Mr. Schnitzer replied that he couldn't emphasize enough that this was an interim development; with a ten year lease, and if funding were available at the end of that time, it was his sincere

desire to develop on the property an apartment structure.

The following individuals spoke in opposition to the proposed car wash:

Alex Pierce, Old Church, Inc., 11th and Clay
Sheryl Bushong, Chairperson, Downtown Community Assn.
Father Rankin, St. Stephen's Episcopal Parish, 1432 S.W. 11th
York Moore, representing Mrs. Florence Jensen, 1415 S.W. 11th

Letters were received from the following who opposed the proposed car wash:

Mrs. Morris J. Boyd, 8515 N.E. Tillamook
Nonearle F. Ryder, 1110 S.W. Clay Street
Mr. and Mrs. David G. Gilmore, 2545 S.W. Terwilliger
W. William Fuegy, Medic Pharmacy, Inc., 1017 S.W. Clay
Constance C. Jarvis, Attorney at Law, 707 S.W. Washington
William M. Freer, 131 S.E. 24th Avenue
John S. Marandas, 1600 S.W. Fourth
Shigeru Yuzuriha, Medic Pharmacy, Inc., 1017 S.W. Clay
Mr. and Mrs. Robert C. Brewer, 1230 S.W. Columbia

Letters were received from the following who were in favor of the proposed car wash:

Isabelle Marks, LDO Investment Co., 1001 S.W. Columbia
Ruben Lenske, Manifold Business & Investment, Inc.,1014 S.W. 2nd

Mr. Vail presented the staff findings and the recommendation of the staff for denial.

Findings

1. Compatibility with Existing Neighborhood

The predominant land uses in the area surrounding the proposed project are housing and religious facilities. Over 300 apartment units are located within one block and the Old Church is directly east across S.W. 11th. The applicant's architect has developed a design intended to minimize the impact of the project on neighboring development by strategically located landscaping and berming. While such features will screen the facility at ground level, apartment occupants at higher levels will not be protected.

The Planning Commission recently concluded that the Livingston and Blayney (Development Regulations Consultant) recommendation

to designate the southwest section of downtown for apartment zoning is appropriate in order (1) to provide protection to the existing housing development and (2) to encourage additional apartment construction in future years. The Planning Commission is considering a recommendation to allow up to 40% in commercial use within each apartment project as an incentive to attract housing development.

The proposed development would not accord with either existing or proposed development objectives for the area.

2. Adopted Downtown Plan Goals and Guidelines

The Downtown Plan specifically calls for the development of a strong housing district with associated residential supportive retail in this area. Uses incompatible with housing and neighborhood retail are to be minimized. Historic structures are to be protected from incompatible development. The proposed interim development is not consistent with these objectives.

3. Adopted Parking and Circulation Policy

The proposed project's entrance and exit on S.W. 12th Avenue is in conflict with the adopted Parking and Circulation Policy. That policy designates 12th Avenue as a "non-automobile or pedestrian oriented" street. The intent of that designation is to prevent auto-pedestrian conflicts by not permitting curb cuts to parking facilities on streets indicated for pedestrianway (sidewalk) improvements. This policy has equal validity regarding the undesirability of allowing curb-cuts for other auto generating activities on street designated for pedestrianway improvement. It should be pointed that a "non-automobile oriented" designation does not call for auto traffic exclusion, but does imply improvement to sidewalks.

All of the streets in this housing area carry sizable volumes of vehicular traffic and pedestrian travel can be hazardous. After careful analysis S.W. 12th was selected from all of the streets in the area as the most appropriate north-south street for pedestrianway or sidewalk improvements. S.W. 10th and 11th serve as a vehicular traffic couplet and S.W. 13th bordering the freeway carries direct freeway bound traffic.

The proposed project would also add to traffic volumes on S.W. Columbia (also a non-automobile oriented street). Most cars will wish to return to S.W. Clay Street after using the proposed facility, turning right from 12th to Columbia, right from Columbia to 11th, and right onto S.W. Clay.

Conclusion

Staff concludes that the proposed development of a car wash and automobile fuel sales facility does not meet the requirements of Item 3 of the Downtown Plan Review Ordinance nor the conditional use requirement that the protection of neighboring uses be assured. Such a use at this location would not accord with Downtown Goals and Guidelines, Parking and Circulation Policy and the predominant character of the neighborhood.

Development of a major auto-oriented facility with associated noise and increased traffic in the heart of the apartment area would be detrimental to the stabilization and improvement of the existing residential neighborhood. Incentive programs are being considered which make feasible both construction of new housing and rehabilitation of existing structures in this area. Existing uncertainties about the area's future would only be aggravated if the City zoned the area for predominately apartment development and at the same time allowed construction of a new development of questionable compatibility.

MOTION: Mr. Wessinger moved that the Planning Commission adopt the staff report as presented. Mrs. Gustafson seconded the motion.

Mr. Wessinger stated he felt this was an inappropriate use in this particular area. He further stated that he is worried about transitional uses in that they stay longer than originally estimated by the developer.

Mr. Minden felt that this was not a black and white case. He stated that he felt that it was not that bad a project.

Mr. Barnett felt that this development would be a vast improvement over the parking lot that is there now, although a car wash would still fall short of what the Commission would like to see there. He also felt concerned about transitional uses. He stated that the developer should have tried to get more support from the community.

Mrs. Gustafson stated that she primarily objected to the project because she does not feel it will be interim. She stated that she felt this was a downtown residential neighborhood.

Mr. Rose' felt that a limitation on the length of the project would be a good idea because the ultimate goal is housing. He stated that this goal wasn't going to come to pass unless the developer can make it work out economically regardless of the fact that economic hardship is not supposed to be a point of judgment for the Planning Commission decision.

Mrs. Roso stated she felt concern about historical or charitable institutions putting a damper on the development around them. She felt an interim use on the property would not be out of order.

Mr. Sheldon stated he felt the real issue is the kind of use which is proposed as an interim use. He stated the past problems of the developer to develop the land is not relevant to the current issue and that the Commission has to look at the proposal itself and ask what is the impact of that use for ten years on this particular neighborhood; what is the impact on the proposed use for the entire area; impact on the streets and pedestrian activity. Mr. Sheldon stated that he felt this was a fragile area and that auto oriented interim use is probably a poor choice in this particular area.

ACTION: Ayes: Barnett, Gustafson, Sheldon, Wessinger

Nays: Minden, Rose', Roso

Motion carried.

<u>DPR 44, Two-story Retail Facility and Sublevel Parking; Farwest Savings and Loan, applicant, S.W. 4th Avenue between Stark and Washington Street</u>.

Mr. Vail stated that since there was parking involved in this development a conditional use procedure should also be added to cover both aspects of the proposal and that in addition to being DPR 44, it will also be CU 60-75.

Mr. Vail then presented slides of the area.

Mr. Wessinger asked what the Commission is actually asked to approve today. Mr. Vail stated that the applicant has requested approval for a two-story office building and a 300,000 tower to be built in the future.

Mr. Mel Kroker, architect representing Farwest Savings and Loan, presented a model and slides of the proposed development and outlined said development.

Mrs. Roso asked what this would do to the wind tunnel effect on downtown. Mr. Kroker stated he couldn't answer what wind tunnelling would be effected since they had not done wind tunnel studies, but he felt there would not be a massive problem.

Mrs. Gustafson asked if this had gone through Design Review. Mr. Barton, Bureau of Planning Staff, stated that the Design Review Committee had only looked at the first phase and that it will be reviewed again when the second phase goes into effect.

The following letter was received in opposition to the proposed development:

Connie Harman, no address given

The following letters were received in favor of the development:

Pioneer National Title Insurance Company, 321 S.W. 4th
Benjamin Franklin Savings & Loan, 517 S.W. Stark

Mr. Vail presented the staff recommendation as follows:

Approval of the Conditional Use request for 61 off-street parking spaces and approval of the DPR request with the condition that if it is to be a phased development, that the applicant submit detailed plans of each phase of the project to the Design Committee of the City Planning Commission, or its predecessor, for its review and approval of the following items:

Building materials and details
Design of open spaces, landscaping, exterior paving materials, street furniture and pedestrian facilities
Design and placement of signs and on-site auto and truck traffic control devices
Driveway entrance details to below-grade parking garage

Specific DPR approval to permit immediate construction of the 61 space sublevel parking facility and the 29,980 square feet of retail building with the condition that that particular phase of the project also be reviewed by the Design Committee to evaluate the impact on neighboring properties and to provide a building plan and sidewalk amenities in a manner acceptable with the neighborhood and the Transit Mall and other items listed above.

Conceptual approval of the later office tower phase which will enable the developer to design and construct his footings and columns at this time to accomodate that future tower.

MOTION: Mr. Wessinger moved that the Planning Commission adopt the staff recommendation as presented. Mr. Minden seconded the motion.

Mr. Shannon proposed an amendment to the motion to state that conceptual approval does not carry with it the specific height or bulk illustrated but whatever regulations are in effect on the property at the time the development would be forthcoming would be the one that would be applicable.

Mr. Wessinger accepted the amendment as part of his main motion. Mr. Minden concurred.

Mrs. Gustafson proposed an amendment to the motion that at design review the developer insure that adequate rain protection is provided on all sides of the building.

Mr. Wessinger accepted the amendment as part of his main motion. Mr. Minden concurred.

The motion would then read as follows:

Approval of the Conditional Use request for 61 off-street parking spaces and approval of the DPR request with the condition that if it is to be a phased development, that the applicant submit detailed plans of each phase of the project to the Design Committee of the City Planning Commission, or its predecessor, for its review and approval of the following items:

Building materials and details
Design of open spaces, landscaping, exterior paving materials, street furniture and pedestrian facilities
Design and placement of signs and on-site auto and truck traffic control devices
Driveway entrance details to below-grade parking garage
Adequate rain protection

Specific DPR approval to permit immediate construction of the 61 space sublevel parking facility and the 29,980 square feet of retail building with the condition that that particular phase of the project also be reviewed by the Design Committee to evaluate the impact on neighboring properties and to provide a building plan and sidewalk amenities in a manner acceptable with the neighborhood and the Transit Mall and other items listed above.

Conceptual approval of the later office tower phase which will enable the developer to design and construct his footings and columns at this time to accomodate that future tower. Such conceptual approval does not carry with it the specific height or bulk illustrated but whatever regulations are in effect on the property at the time the development would be forthcoming would be the one that would be applicable.

ACTION: Motion carried unanimously.

At this time, the Commission again took up CU 53-75, Planned Unit Development; Multnomah County and Ralph and Louise Cardinal, applicants, north side of S.W. Multnomah Boulevard near S.W. 53rd Avenue. (For previous discussion, see after Code Amendment and Interpretation regarding Home Occupations)

The following individuals either asked questions or spoke in opposition to the proposed development:

Edward Spidal, 5240 S.W. Custer
Mrs. Donald Fechner, 5108 S.W. Nevada Court
Patricia Stenersen, 7135 S.W. 54th
James K. Anderson, 5302 S.W. Nevada
Betty Hutchens, 7821 S.W. 51st
Dorothy Gage, 8000 S.W. 54th

The following letters were received in opposition to the proposed development:

Mr. and Mrs. G. W. McCargar, 4242 S.W. Custer
Dorothy Gage, 8000 S.W. 54th
Paul Copley, 8024 S.W. 54th

Mr. Vail presented the staff recommendation for deferral as follows:

The Staff believes that if the property is to be developed, that it is best suited for a Planned Unit Development and not as a standard subdivision because of terrain difficulties, possibilities for private and public open space and preservation of forested areas.

It is within the Planning Commission's scope of responsibility to not only determine if a land use is appropriate at a given location but also to determine the method of development and appropriate site plan design in the case of a Conditional Use Planned Unit Development.

In this case the Staff does not feel that the applicant's proposed development plan is appropriate nor does it appear by the plans that an adequate site investigation was made prior to the design process. More specifically, the following problems should be addressed and included in revised plans prior to reconsideration.

1. All private roadways shall be located in relation to the topography with no grade over 15%.

2. The temporary private road entrance to Multnomah Boulevard should be combined with a future permanent access road to Tax Lot 224, Maplewood or S.W. 53rd Place on the east.

3. Parking provided at a ratio of three spaces per two dwelling units.

4. Green space not less than 30 feet width shall be provided along all of perimeter of site except for accessways.

5. A green space of 50 feet along both sides of the creek including the sewer easement.

6. A public easement within the creek open space.

7. A preliminary soils and geologic report.

8. The applicant's revised plan shall provide for the property density of the entire site area less 20%, divided by the zone (R7) as no dedication for Multnomah Boulevard is requested and increasing the density on a steep site is not advisable.

Mr. Wessinger asked about the temporary access road entrance to Multnomah Boulevard, as stated in number 2 of the staff report. Mr. Vail amended the report by eliminating any reference to access from Multnomah Boulevard and that there should be a permanent access road to the north.

Mr. Vail stated that there is not yet a neighborhood organization but that there is one in the formulative stage and that the staff will try to make contacts with them during the deferral period.

ACTION: Mr. Rose' moved that the Planning Commission adopt the amended staff report. Mrs. Roso seconded the motion. Motion carried unanimously.

<u>6445, Zone change request from R5 to A2.5 petitioned for by Wirthmore Homes for property at 1124 N.E. 57th (referred from Zoning Committee); and Normandale Study</u>.

Mr. Vail presented slides of the area.

Mr. Wessinger asked if the Commission should take this request up on an individual basis or defer it until there can be a public hearing on the proposals within the Normandale Study. Mr. Vail suggested that the zoning pattern as it is is quite sufficient and should be left the way it is but if the Commission wanted to consider one of the proposals in the Normandale Study, there would have to be a public hearing with notification.

Mr. Vail stated that the staff contacted several city bureaus on the Normandale Study and the following responses were received:

City Engineer:	Any additional improvement to the streets would be the obligation of the property owner
Traffic Engineer:	Recommends Pattern Number 5 of the Normandale Study
School District:	No problems, feel that Normandale School can handle any prospective enrollment in the area

Water Bureau: Has no objections to any of the patterns as suggested

Sanitary Engineering: With the exception of portions of 57th, 58th and 59th Avenues, the area is served by a combination sewer designed for residential use. The zone change for the particular parcel on Lots 7 and 8 itself would not increase the load on the sewer to any substantial degree. Changing the zone over a substantial area would cause an overload on the system if both the storm and sanitary are discharged into this sewer. It is the conclusion of this office is opposed to any extensive changes in the zoning unless provisions are made for private disposal of storm water on the property, subject to the approval of the plumbing division.

Mr. Vail presented the staff findings and recommendation, as follows:

Findings: R5 is a single-family residential zone; A2.5 is a low-density apartment zone. A variance would be required to reduce the lot area from 5,000 sq. ft. to 4,750 sq. ft. in order to build either a single-family dwelling (R5) or duplex (A2.5).

The dwelling on the site has burned down, and the site has been cleared.

To the north are single-family dwellings and a few nonconforming uses. To the east are single-family dwellings. To the south are nonconforming one-story apartments. To the west is Normandale Park.

On August 29, 1973, the City Council adopted the Planning Commission recommendation of denial for a zone change request for apartment zoning on Lots 23 and 24, Block 4, Normandale, 1055 N.E. 58th Avenue. There has been substantial structural restoration of the dwelling after the denial.

N.E. Hassalo between N.E. 58th and 60th Avenues is being improved to City standards.

Recommendation: Denial. Although there are a number of nonconforming multi-family units in the area, there does not appear to be sufficient justification for changing the zone.

MOTION: Mrs. Roso moved that the Planning Commission approve the zone change request from R5 to A2.5. Mr. Rose' seconded the motion.

Mrs. Roso stated that this request is located between a duplex and a multi-family unit, and it is not converting a standing home.

Mr. Sheldon stated that to approve a spot zone change, which he felt this was, would not stand legally and that the options presented by staff in the Normandale study would be the way to go if the Commission felt there should be a zone change.

ACTION: Ayes: Rose', Roso

Nays: Barnett, Gustafson, Minden, Shannon, Sheldon, Wessinger

Motion failed.

MOTION: Mrs. Gustafson moved the Planning Commission adopt the staff report as presented and reject the proposals set forth in the Normandale Study. Mr. Barnett seconded the motion.

Mr. Shannon stated he was going to vote against the motion because he felt that there is evidence with this request that there is a feeling in the neighborhood to upgrade the zone.

ACTION: Ayes: Gustafson, Minden, Sheldon, Wessinger

Nays: Barnett, Rose', Roso, Shannon

Motion failed.

ACTION: Mr. Shannon moved that the Planning Commission direct staff to consider alternatives 3 and 4 of the Normandale Study and notify the neighborhood which would be effected. Mrs. Roso seconded the motion.

Ayes: Barnett, Rose', Roso, Shannon

Nays: Gustafson, Minden, Sheldon, Wessinger

Motion failed.

MOTION: Mr. Shannon moved that the Planning Commission table the zone change request. Mr. Rose' seconded the motion.

Mr. Vail stated that the request could not be tabled indefinitely because the Commission is obligated to respond to Council, and he suggested that there be some timeframe.

Mr. Shannon amended his motion to table until the September meeting.

Mrs. Gustafson suggested that staff investigate to see if there is a neighborhood association and to talk to people to find out how they feel.

ACTION: Motion carried unanimously.

V 17-75, Vacation of a portion of an un-named right-of-way (public pedestrian easement) in Block 13, Indian Hills, petitioned for by Emil Hirning.

Mr. Frost presented the staff findings and recommendation, as follows:

Findings: There are four easements to provide pedestrian access from the Indian Hills street system to the Quail Park trail and street system and to the street system further to the east. There are no other east and west cross-communication links for a one-half mile stretch between S.W. Taylors Ferry Road and S.W. Huber Street.

Easement #1, both a pedestrian and utility easement, was required as a pedestrian easement by the Planning Commission in their approval of the Quail Park Planned Unit Development. This was conveyed to the public by a recorded deed. (Note: this is not the easement for which vacation is being requested--that is #3).

Two of the easements were shown on the final PUD plan for Quail Park, approved by the Planning Commission on May 8, 1973, however, even though they are outside the PUD.

Easement #2, a pedestrian easement, was conveyed to the public by a recorded deed across property neither in the subdivision of Indian Hills or Quail Park PUD.

Easement #3, both a pedestrian and utility easement, was originally shown as a utility easement on the plat of Indian Hills subdivision (Fractional Blocks 13 and 14 as recorded), and was conveyed to the public as both a pedestrian and utility easement by a recorded deed.

Easement #4, a pedestrian easement, was shown as such on the plat of Indian Hills subdivision (Fractional Blocks 13 and 14, as recorded).

None of the four easements are developed with an improved walk-way. One easements Nos. 3 and 4 have houses constructed adjacent to them. Easements nos. 1 and 3 contain storm water sewer outfalls.

Besides the above four pedestrian easements, there also exists a 20 foot easement for utility, pedestrian and drainage conveyed to the public by recorded deed along the rear lot lines of Lots 2 through 13 inclusive, Block 13, Indian Hills. This is in addition to a public walkway adjacent to these lots in Quail Park PUD.

Discussion: This request is to vacate easement #3. Requests may be forthcoming for the vacation of at least one and perhaps all of the others.

The reason for desiring the vacation is basically that the houses were built within a foot or two of the easement and then, later, the purchasers discovered the existence of the easement and became alarmed at the possibility of pedestrian traffic within a foot or two of their houses and across their properties.

The vacation of one easement would set a precedent that would make it very difficult to justify denying other such requests, at least until arriving at the last one.

Some pedestrian link between Indian Hills and the Quail Park PUD seems very desirable. Without it, all east and west pedestrian communication is precluded for a distance of one-half mile between S.W. Taylors Ferry Road and S.W. Huber Street.

Easement #2 seems to be the most necessary from the point of view of a circulation pattern since it lies nearly midway in the above-mentioned one-half mile distance. Neither of the lots abutting easement #2 are developed and are owned by Tualatin Development Company, the developers of Quail Park PUD.

Recommendation: Approval of the vacation of a portion of the pedestrian easement (No. 3) as requested, upon the successful completion of negotiation for an adequate deed and improvement for pedestrian easement #2. The approval of the vacation after successful completion of the negotiation is recommended because it will then no longer be needed for public access, and its vacation will be beneficial to the petitioner and the neighborhood.

Also, approval in advance is recommended for the vacation of pedestrian easements (not utility) Nos. 1 and 4 since, upon the successful completion of negotiation for pedestrian easement #2, their vacations would also be beneficial to the adjacent property owners and will not be needed by the public.

The retention of pedestrian easement #2 is recommended since this easement is needed by the public for an east and west communcation link between the Indian Hills residences and the Quail Park PUD residences. An adequate deed either to the City or to Quail Park PUD with an immediate improvement of the walkway is being negotiated.

Mr. Frost then presented slides of the area.

The following individuals spoke regarding their concern about the easements and the easement running along the back of their property:

Walter Samodurov, 10050 S.W. 29th Place, also representing Jackson Community Association
Emil Hirning, 6325 S.W. 90th
Alice Samodurov, 10050 S.W. 29th Place

ACTION: Mr. Rose' moved that the Planning Commission adopt the staff report as presented. Mr. Minden seconded the motion. Motion carried unanimously.

MOTION: Mr. Shannon moved that the Commission direct staff to investigate whether Tualatin Development Company has met the conditions pursuant to the Quail Park PUD and that staff report back on that investigation. Mr. Minden seconded the motion.

Mrs. Gustafson moved an amendment to the main motion that there be a meeting between the staff, the concerned parties, and TDC about what is to happen to the stream running along the back of the property lines of those property owners involved. Mr. Shannon accepted the amendment as part of his motion. Mr. Minden concurred.

ACTION: Motion carried unanimously.

There being no further business, the meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

ERB:eb

Exhibit A.

THE CITY OF
PORTLAND
OREGON

August 1, 1975

OFFICE OF
CITY ATTORNEY
JOHN W. OSBURN
CITY ATTORNEY

1220 S.W. FIFTH AVE.
PORTLAND, OR. 97204
503/248-4047

Mr. Spencer Vail
City Zoning Director
424 S.W. Main Street
Portland, Oregon 97204

Re: Downtown Plan Review, Case #41

Dear Mr. Vail:

You have requested our opinion as to the construction of certain sections of Title 33 in order to determine the status of the applicant's proposal to build a car wash-automobile fuel sales facility.

Car washing by mechanical means is a permitted principal use in a C2 Zone, Section 33.42.020(d)(6), but such use is subject to six limitations, including limitations on hours of operation, size of building, etc. One of these limitations is that car washing by mechanical means is allowed only when "located on the same property and operated in combination with retail gasoline facilities." Thus, what we have is a situation where a certain use (a car wash by mechanical means) is allowed only when it is in tandem with another use ("retail gasoline facility.") As a separate land use, the "retail gasoline facility" use of the property must be separately considered.

What, then, is this "retail gasoline facility" which is required to be on the same property as, and operated in combination with, the car wash? Is it synonymous with an automobile service station, is it another principal or conditional use, or is it prohibited, i.e., neither a principal nor a conditional use? The term is not defined in the definitional chapter of Title 33, and, as far as I can determine, is not used elsewhere. It is clear that all automobile service stations are retail gasoline facilities, since one of the functions used to define an automobile service station is "supplying fuel ..... for passenger automobiles ..... at retail direct to the customer." Section 33.12.100. Therefore, in the case of an existing automobile service station, which by definition dispenses

automobile fuel at retail, a car wash may be operated on the same property provided that it meets the other requirements of size, hours of operation, etc. Similarly, if a new automobile service station is approved pursuant to conditional use procedures, a properly constructed and operated car wash may "ride along" as a permitted use on the same property.

However, looking at the other side of the coin, it is not so clear that every facility which sells gasoline at retail to customers falls within the definition of an automobile service station. The definition of automobile service station is worded in the conjunctive: It is defined as "any premises used for supplying fuel, oil, minor accessories and services ..... for passenger automobiles ..... at retail direct to the customer." Obviously, a supermarket which sells oil and minor auto accessories to customers, but does not sell fuel or perform services, is not a service station. Similarly, a facility which sells only minor accessories and services, but does not dispense fuel, would probably come within the definition of a "garage" rather than a service station. The argument can be made, and is made by the applicant, that the single factor of selling gasoline does not make that aspect of the proposal an automobile service station. However, that argument proves too much. If the pumping of gasoline does not make the use an automobile service station, then it is a prohibited use, since nothing remotely resembling the dispensing of gasoline as a distinct use appears in lists of either principal or conditional uses in a C2 Zone. Following the applicant's argument requires a determination that the proposed gasoline pumping facility cannot be put in, and that, a fortiori, car washing by mechanical means cannot be done since that use is directly contingent on the existence and operation on the same lot of a retail gasoline facility.

The requirement in question is unique to the C2 Zone. Car washes are not permitted at all in R or C4 Zones, and in zones allowing more intensive use, there is no requirement that car washes be in tandem with another use. Given the nature of the C2 Zone, the probable motive of the Council in enacting this requirement was to reduce the impact of traffic on the neighborhood by requiring consolidation of functions. It is probable that the Council intended that there be no car washes independent of service stations, and that

there be no new service stations without going through the conditional use procedure where the prescribed criteria could be applied. In that way, traffic impact could be affected to a certain extent. If the Council had acted out its apparent intention by explicitly providing that car washes could be permitted only when located on the same property as and operated in combination with service stations, the sole issue would be whether the applicant's proposal constitutes a service station. However, the Council used the term "retail gas facility" and it is this phraseology which allows the applicant to argue that the placement of several gas pumps satisfies the limitation while not rising to the level of a service station. But, again, gas pumps are not permitted in a C2 Zone outside the context of service stations. Thus, put simply, either the applicant's proposed gas pumping facility, the existence of which is a prerequisite to operating the car wash, is an automobile service station or it is prohibited. If it is an automobile service station, it is subject to conditional use procedure. If it is prohibited, it cannot be built.

Since the pumping of gas is the most distinguishing characteristic of a service station, and since it is unlikely that the Council intended to tie a permitted use to a prohibited use, it would seem reasonable to consider the applicant's proposed gas pumping facility as an automobile service station, and thereby permit it if the conditions of Section 33.42.235 are found to be met. However, the ultimate choice on the matter is clearly that of the applicant, and should the applicant choose not to have the project considered as a conditional use, then the Bureau of Planning and the Planning Commission would appear to have no choice but to consider the proposal to be a prohibited use.

Very truly yours,

WAYNE D. LANDSVERK
Deputy City Attorney

WDL:at
cc: Mark P. O'Donnell
Attorney at Law
811 N.W. 19th Avenue
Portland, Oregon 97209

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

July 22, 1975

The regular meeting of the Zoning Committee was called to order in the Water Services Auditorium at 1:00 p.m. by Chairperson Rose'. Present were members Roso, Shannon, and Wessinger, and Staff Members Vail and Tucker.

* * *

15-75 Subdivision of Tax Lot 5 of Lot 11, except the west 80 ft. of the south 100 ft., Primrose Acres, was requested by Lois M. Grenfell, deedholder; R. D. Weigel, builder-sponsor; and Martin Engineering, designer.

Dick Weigel, 519 SW Park, applicant, was present.

Charles Gorden, 3220 SW Spring Garden Street, was present in remonstrance. He stated that there is a severe drainage problem in the area.

Daniel Rein, 3142 SW Spring Garden Street, was present in remonstrance. He felt that having 3 driveways with access to Spring Garden Street in this location would create a traffic hazard because they are proposed to be located on a blind curve.

There was discussion regarding the fact that the property owner had dedicated a portion of his lot for straightening out Spring Garden Street, and that if he had not, no variance would be required for this subdivision.

William Acres, 3110 SW Freeman, was present to ask questions regarding placement of the lots and access to be used by construction vehicles.

The Staff recommended approval with a variance for lot depth on Lot 32 with the following conditions: (1) all utilities be placed underground; (2) the applicant shall improve the street frontage of the subdivision according to the standards prescribed by the City Engineer; and (3) that surface water be disposed of on site.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

16-75 Subdivision of Tax Lot 93, Section 19, T1S, R1E, was requested by Hazen P. and Bessie L. Roeder, deedholders; R. D. Weigel, builder; Martin Engineering, designer; and David McIntyre, sponsor.

Dick Weigel, applicant, was present.

Dorothy Gage, 8000 SW 54th, was present in remonstrance.

There was discussion regarding the various Staff proposals for a cul-de-sac and the fact that variances would be required to reduce the lot sizes below the minimum requirement.

A letter of remonstrance was received from Mr. and Mrs. George Butler, 8009 SW 54th.

The Staff recommended approval with the condition that the applicant redraw the four lots with equal lot area and with a 35 ft. radius cul-de-sac with the following conditions: (1) all utilities shall be installed underground; and (2) the applicant, his heirs, assigns, and future owners shall agree not to remonstrate against any future roadway or drainage facility improvements on SW 56th Avenue.

MOTION: Mr. Shannon moved denial of the request. Ms. Roso seconded.

ACTION: Ayes: Shannon, Roso
Nays: Wessinger, Rose'

Because of a split vote the matter is referred to the full Planning Commission meeting in September.

* * *

6449 Zone change from R10 to R5 for Tax Lot 1 of Lot 7, Tax Lot 3 of Lot 8, Block 2, Fannoe Park, was requested by David Finck, deedholder, and Manfred and Anna Harter, deedholders.

Fred Harter, 4128 SW Hewett Boulevard, applicant, was present.

Mr. Ausman, designer for the applicant, was present.

There was discussion regarding the applicant's plan and the fact that it does not take into account the 15 ft. sewer easement running through the property.

The Staff recommended denial of the request.

MOTION: Ms. Roso moved approval of the request. Mr. Shannon seconded.

ACTION: Ayes: Roso, Rose', Shannon
Nays: Wessinger

Because of a split vote the matter is referred to the full Planning Commission.

* * *

6450 Zone change from A2.5 to A1 for Lots 4, 5 and 6, Block 14, Kern Park, was requested by S. Fred and Mary Hall, deedholders.

S. Fred Hall, applicant, was present. He stated that two years ago the Zoning Office told him that he would have transitional use for 11 units on the subject property.

There was discussion regarding why this lot does not meet transitional use requirements.

Southeast Uplift recommended approval with the condition that the applicant meet all code requirements.

The Staff recommended denial of the request.

ACTION: Mr. Shannon moved denial of the request but approval of a variance to allow a fifth unit to be built under the A2.5 zone. Mr. Wessinger seconded. So ordered.

* * *

6451 Zone change from M2S to A1S for approximately the southerly half of Tax Lot 9, Section 35, T1N, R1E, was requested by Alexander and Bernice (Deceased) Carneau, deedholders.

Leonard Blank, realtor, was present representing the applicant.

There was discussion regarding the fact that the zone change site would not actually be developed and that the units allowed would be constructed entirely on the already A1 zoned parcel to the north, which is relatively level, whereas the zone change site is very steep.

The Staff recommended denial of the request.

ACTION: Mr. Wessinger moved denial of the request in accordance with the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

6453 Zone change from R5 to M3 for Lot 3 and the east 10 ft. of Lot 4, Block 1, Strawberry Dale, was requested by Thomas and Doris Wortendyke, deedholders, Don and Kathy Calkins, lessees.

No one was present representing the applicant.

Southeast Uplift recommended denial of the request.

The Staff recommended denial of the request.

Committee Members felt that this request should be denied without consideration because the applicant did not appear for his scheduled hearing.

ACTION: Mr. Shannon moved denial of the request. Mr. Wessinger seconded. So ordered.

However, prior to the end of the meeting but after Mr. Wessinger had left, Ms. Roso moved to reconsider this request and the following motion was made and passed:

ACTION: Ms. Roso moved to table this request until such time as the applicant requests that it be heard. Mr. Shannon seconded. So ordered.

* * *

6447R Revocable permit for an office to be located on the east 15 ft. of Lot 14 and the west 25 ft. of Lot 11, Block 16, Goldsmith, was requested by Alice E. Everett, deedholder, and Patricia Watson and Ronald Schiffman, optional purchasers.

No one was present representing the applicant.

There was discussion regarding the fact that the applicant was aware of the Council's having adopted policies pertaining to the Northwest Plan for this location which would limit its use to residential.

The Staff recommended denial of the request.

ACTION: Mr. Wessinger moved denial of the request in accordance with the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

CU 54-75 Conditional Use for golf cart storage building to be located on Lot 38, Sunderland's Acres, was requested by Riverside Golf and Country Club, deedholder.

The Staff recommended approval per plans submitted and approval of a waiver of the public hearing.

ACTION: Mr. Wessinger moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

The Zoning Committee considered the request of Cascade Community College to substitute revised master plan, showing landscaping, buildings and parking. The Staff recommended approval of the request.

ACTION: Mr. Shannon moved approval of the request in accordance with the Staff Recommendation. Mr. Wessinger seconded. So ordered.

* * *

CU 44-75 Reconsideration Conditional Use for addition to a church and parking to be located on Lots 1 through 8, west 1/2 of Lot 9, and Lots 17 through 20, Block 5, Portsmouth, was requested by Church of Jesus Christ of Latter Day Saints, deedholder and optional purchaser; Earl M. Morse, Ray E. Nygren, Paul D. Tolman, and Wellington C. Phelps, deedholders.

This request was first heard on June 24, 1975, at which time the matter was deferred for no more than 60 days so that the applicant could formulate a master plan including screening of the subject sites. It was also required that the North Portland Citizens Committee approve the revised plan. A letter from Barbara Jaeger so stated.

There was discussion regarding the plans submitted by the applicant.

The Staff recommended approval of plans submitted dated July 14, 1975, with the condition that both preliminary and final plans be reviewed and approved by the Staff of the Design Committee to ensure but not be limited to specific approval of landscaping, speed bumps, architectural appearance of external remodeling. The applicant's letter dated July 15, 1975, shall be made a part of the decision.

ACTION: Ms. Roso moved approval of the Staff Recommendation. Mr. Wessinger seconded. So ordered.

* * *

6420 Reconsideration Zone change from R5 to R5P for Lots B, 1 and 2, Gordon Place, was requested by Rolland and Colleen Hanson, deedholders.

This request was considered by the Zoning Committee on March 25 and May 27, 1975, and the request was denied but a zone change to R5P for the west 1/2 of Lots B, 1 and 2, was approved, with the condition that the Staff of the Planning Commission approve fencing and landscaping of both the east and west 1/2 of the subject lots.

At the time of the above decision, the applicant was willing to accept the recommendation; however, prior to Council consideration of the request, he discovered he would now need the entire

parcel for off-street parking because the Traffic Engineer removed all street parking from SE 82nd. Therefore, he requested this reconsideration.

Rolland Hanson, applicant, was present.

There was discussion regarding the above and that the reason Mr. Hanson requires additional parking is because of the volume of automobiles that frequent his businesses (store and tavern).

The staff recommended approval with the condition that the Staff of the Design Review Committee approve fencing and landscaping of the subject lots.

ACTION: Ms. Roso moved approval of the Staff Recommendation. Mr. Shannon seconded. So ordered.

* * *

The meeting was adjourned by Chairperson Rose' at 3:45 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

SHV:st

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
7/23/75	2153. Report of the City Planning Commission on the appeal of Edward and Barbara Wagner and others, from the decision of the City Planning Commission on the variance request of Frank J. and Theodosia Romanaggi, deedholders; and Arnold and Natalie Floyd Eska, applicants, for permission: (1) to reduce the minimum lot depth; (2) to reduce the minimum front yard; and (3) to reduce the setback for a carport, on Tax Lot 8 of Lot 2, Block A, Greenway, located on the west side of S.W. Greenway Avenue, south of S.W. Patton Road, in Zone R5. Approval of Item 1, but denial of Item 2 and Item 3 reaffirmed. (PC VZ 102-75)	Adopted Planning Commission Report
	2154. Report of the City Planning Commission on the petition of Thomas L. and JoAnn Hainline, deedholders, for permission to park in the required north front yard and for a special 20 feet setback on Lot 3, Block 8, Laurelhurst, located at 726 N.E. Hazelfern Place in Zone R5. Approval recommended. (PC VZ 119-75) (S)	Adopted Planning Commission Report
	2155. Report of the City Planning Commission on the appeal of Dussin Investment Company against denial of Downtown Plan Review for long-term parking on Lots 7 and 8, Block 86½, Portland Addition, located on the northeast corner of the intersection of S.W. 10th Avenue and S.W. Stark Street, in Zone C1. Denial of long-term parking, but approval of one-year short-term parking permit reaffirmed. (PC DPR 40-75)	Deferred at Applicant's Request
7/24/75	2164. Granting a revocable permit to Mt. Olivet Baptist Church and Northeast Cooperative Pre-School for day care (preschool) on Lots 1 and 2, Block 245, Holladays Addition, located at 116 N.E. Schuyler Street, under certain conditions, and declaring an emergency.	Passed
	2165. Amending Title 33, the Planning and Zoning Code of the City of Portland, to provide new definitions for hospitals and related uses, to provide new and improved off-street parking and other requirements for such uses, repealing Ordinance No. 140230, and declaring an emergency.	Passed
7/30/75	2206. Changing from Zone R5 and R5P to M3, Tax Lot 238, Section 7, T1S, R2E, petitioned for by East Side Van and Storage, deedholder; and Lot 3, Block 2, North Ivanhoe, and the south 150 feet of Tax Lot 50, Section 7, T1S, R2E, initiated by the City Planning Commission, located at S.E. 48th and 49th Avenues south of S.E. Powell Boulevard, with certain conditions, and declaring an emergency.	Passed
	2207. Designating Lots 1 through 4, Block 7, Lots 1 through 4, Block 17, Lots 1 and 4, Block 27, Lots 1, 4, 5 and 8, Block 28, Lots 1, 4, 5 and 8, Block 29, and all of Blocks 8, 9, 10, 11, 12, 13, 18, 19 and 20, Couch's Addition; and all of Blocks 26, 27, 28, 29, 31, 32, 33, and 34, and Lots 1, 2, 7 and 8, Block 40, Portland Addition, generally bounded by the Willamette River, N.W. Everett, N.W. 4th, S.W. 3rd, S.W. Pine-S.W. 2nd, S.W. Oak and S.W. Stark, and as shown on the attached map, as Skidmore/Old Town Historic District, and declaring an emergency.	Passed
	2213. Report of the City Planning Commission initiating City FF Zoning for Lots 1 through 56 (all), Macleay's Skyline Homes; Tax Lots 27, 28, 15 and 18 except the north 400 feet, Section 32, T2N, R1W; Tax Lot 19, Section 4, T1N, R1W; and Tax Lots 1 and 2, Section 5, T1N, R1W, located at N.W. Skyline Boulevard from N.W. Ash Street to N.W. McNamee Road, recently annexed to the City. (PC 6388) (3699)	Continued for a Public Hearing 8/27/75
	2214. Report of the City Planning Commission on the petition of Erwin and Marguerite Kalesse, dba Kalesse Automobile Service, deedholders, for a revocable permit for truck parking on Tax Lot 1 and Lot 1, Block 3, Home Addition, located at 3530 S.W. Multnomah Boulevard, in Zone C2. Approval for one year with conditions recommended. (PC 6410R)	Adopted Planning Commission Report

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
7/30/75 (contd)	2215. Report of the City Planning Commission on the petition of Carol H. Ingersoll, applicant, dba Ingersoll Foundation, for a revocable permit for a centralized kitchen on Lot 28, Block 2, Woodlawn, located at 1053 N.E. Madrona Street, in Zones R5 and R5L. Approval for one year recommended. (PC 6434R)	Petition Denied
	2216. Report of the City Planning Commission on the petition of Franklin Service Corporation, deedholder, to change from Zone R5 to A2.5, Lots 3 through 36, Blocks 1 and 2, and Lots 3 through 19, Block 3, Mittleman Addition, located 100 feet east of S.E. 60th Avenue adjacent to S.E. Sherman and S.E. Grant Streets and south of the Park Bureau road east of S.E. 60th Avenue, (1879); together with withdrawal of application for zone change. (PC 6387)	Filed - No Further Consideration Withdrawn by Applicant
7/31/75	2223. An Ordinance amending Ordinance No. 138791, to provide for shorter hours of operation and exempting trucks bound to or from the north from the restrictions imposed on truck traffic between Swan Island Industrial Park and I-5 Freeway during nighttime hours, subject to approval of the Oregon Department of Transportation, and declaring an emergency. (Read Twice) (1628)	Passed
	2227. Changing from Zone R20 to R10 a portion of the following: Tax Lots 12, 18, 19 and 25, Section 23, T1N, R1W; Tax Lots 3, 4, 70, 75, 78, 79, 80, 81, 86 and 87, Section 26, T1N, R1W; petitioned for by Walter Lommel, Jr., and Edward and Helene Meier, deedholders and Forest Park Estate, contract purchaser for part and optional purchaser for part, with certain conditions.	Passed to Third Reading
8/6/75	2291. Vacating a portion of S.W. Bancroft Terrace west of S.W. 6th Avenue, under certain conditions. (C-8885)	Passed to Third Reading
	2300. Report of the City Planning Commission on the petition of Northwest Pump and Equipment Company, Trust, deedholder, and City Planning Commission initiation of a change from Zone A1 and A1P to C2 for Lots 4 and 5, Block 5, Dunn's Addition, located on the north side of S.E. Ankeny Street, between S.E. 20th and 22nd Avenues. Approval with conditions recommended. (PC 6444)	Continued 1 Week
8/7/75	2309. Changing from Zone R20 to R10 a portion of the following: Tax Lots 12, 18, 19 and 25, Section 23, T1N, R1W; Tax Lots 3, 4, 70, 75, 78, 79, 80, 81, 86 and 87, Section 26, T1N, R1W; petitioned for by Walter Lommel, Jr., and Edward and Helen Meier, deedholders and Forest Park Estate, contract purchaser for part and optional purchaser for part, with certain conditions. (2227)	Continued 1 Week - Tie Vote
8/13/75	2366. Vacating a portion of S.W. Bancroft Terrace west of S.W. 6th Avenue, under certain conditions. (C-8885) (2291)	Passed
	2370. Report of the City Planning Commission on the petition of Northwest Pump and Equipment Company Trust, deedholder, and City Planning Commission initiation of a change from Zone A1 and A1P to C2 for Lots 4 and 5, Block 5, Dunn's Addition, located on the north side of S.E. Ankeny Street, between S.E. 20th and 22nd Avenues. Approval with conditions recommended. (PC 6444) (2300)	Adopted Planning Commission Report
	2371. Report of the City Planning Commission initiating a change from Zone M2S to M2SD, Tax Lots 4, 9, 70, 71, and 77, Section 15, T1S, R1E: Tax Lots 13, 14, 15, 17, and 65, Section 10, T1S, R1E, located between S.W. Macadam Avenue and the Willamette River north of S.W. Seymour Court extended, and south of S.W. Lowell Street. Approval recommended. (PC 6442)	Adopted Planning Commission Report

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
8/13/75 (contd)	**2372.** Report of the Portland Historical Landmarks Commission in which they propose that one building in the Skidmore Fountain Section of Portland, two residences in the Southwest Section of Portland, and two residences in the Northwest Section of Portland, be designated as Historical Landmarks.	Continued to 8/20/75
8/14/75	**2379.** Changing from Zone R20 to R10 a portion of the following: Tax Lots 18 and 25, Section 23, T1N, R1W; Tax Lots 3, 4, 70, 75, 78, 79, 80, 81, 86 and 87, Section 26, T1N, R1W; petitioned for by Walter Lommel, Jr. and Edward and Helene Meier, deedholders and Forest Park Estate, contract purchaser for part and optional purchaser for part, with certain conditions. (2309)	Passed

STAFF REPORT

P.C. File: 16-75

Committee Meeting: July 22, 1975

Applicant: Hazen P. and Bessie L. Roeder, deedholders; R. D. Weigel, builder; Martin Engineering, designer; David McIntyre, sponsor

Request: Subdivision

Proposed Subdivision Name: Hazen's Subdivision

Location: SW 56th Avenue at SW Multnomah Boulevard

Legal Description: Tax Lot 93, Section 19, T1S, R1E

Zone: R10 Quarter Section: 3823

Size: 41,580 sq. ft. Lots: 4

Average Lot Size: 10,395 sq. ft.

Applicant's Proposal: To subdivide this parcel into 4 lots with access to SW 56th Avenue. Two of the four lots have lot frontage on SW 56th Avenue. The other two proposed lots have 10 ft. "dog-leg" access to SW 56th Avenue.

Although the property has frontage legally on SW Multnomah Boulevard, there is a steep embankment down to SW Multnomah Boulevard which precludes access.

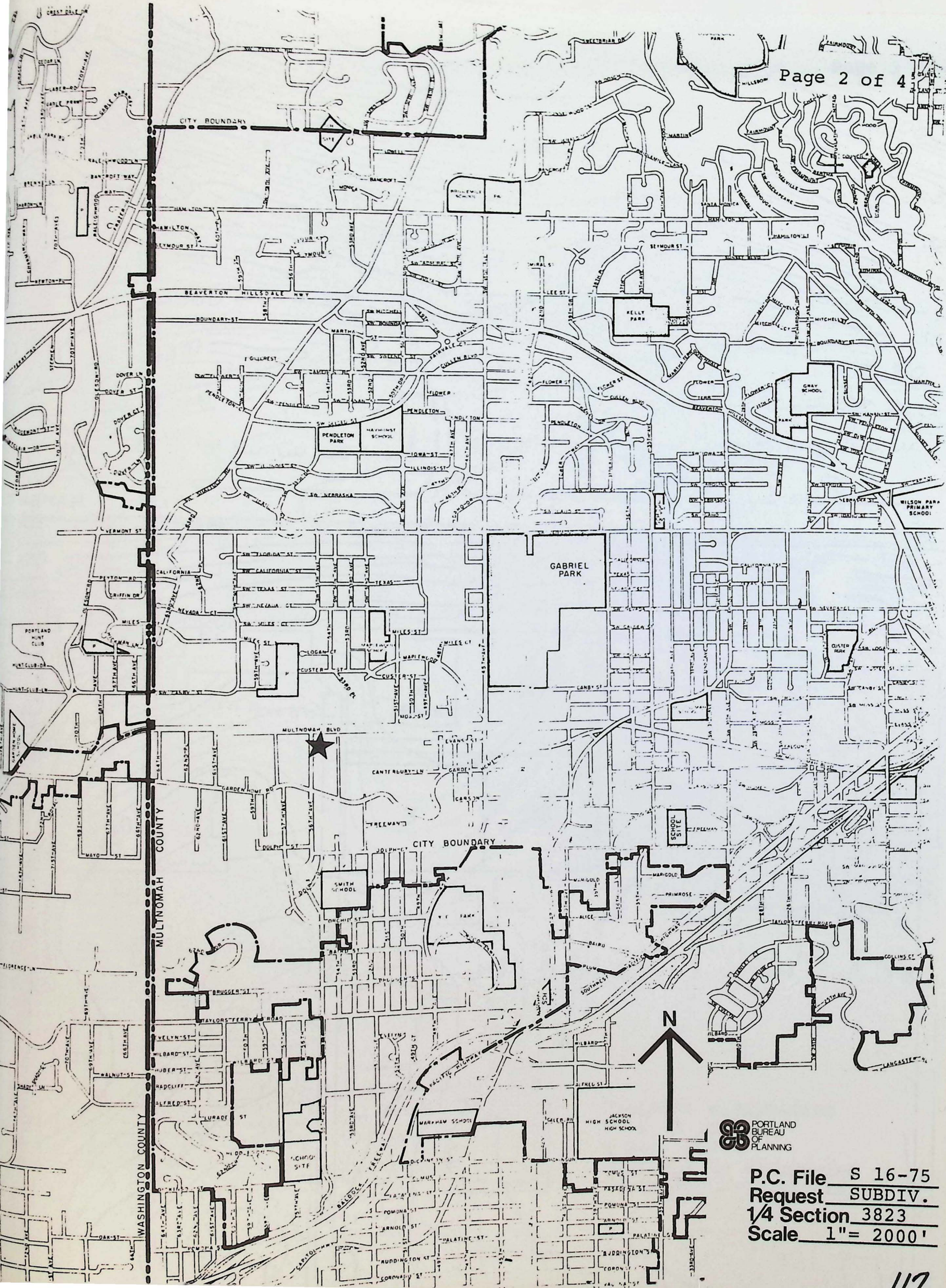
The applicant has requested a variance to reduce the lot depth from the required 100 ft. to 97 ft. for Lots 2 and 3.

RECONSIDERATION

Commission Meeting: September 2, 1975

This matter was referred to the full Planning Commission meeting because of a split vote at the July 22, 1975 Zoning Meeting.

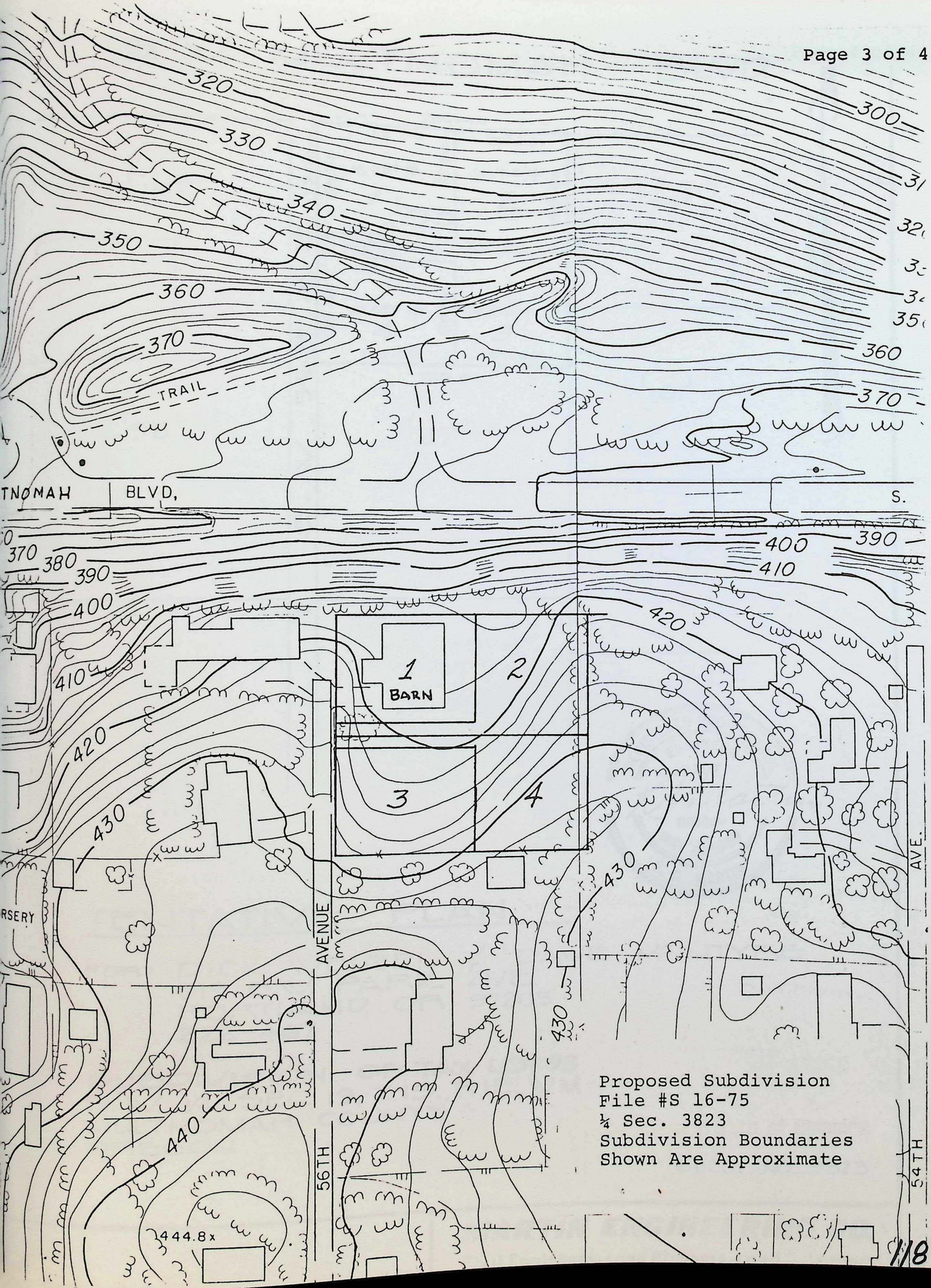
SV/NW/jlg



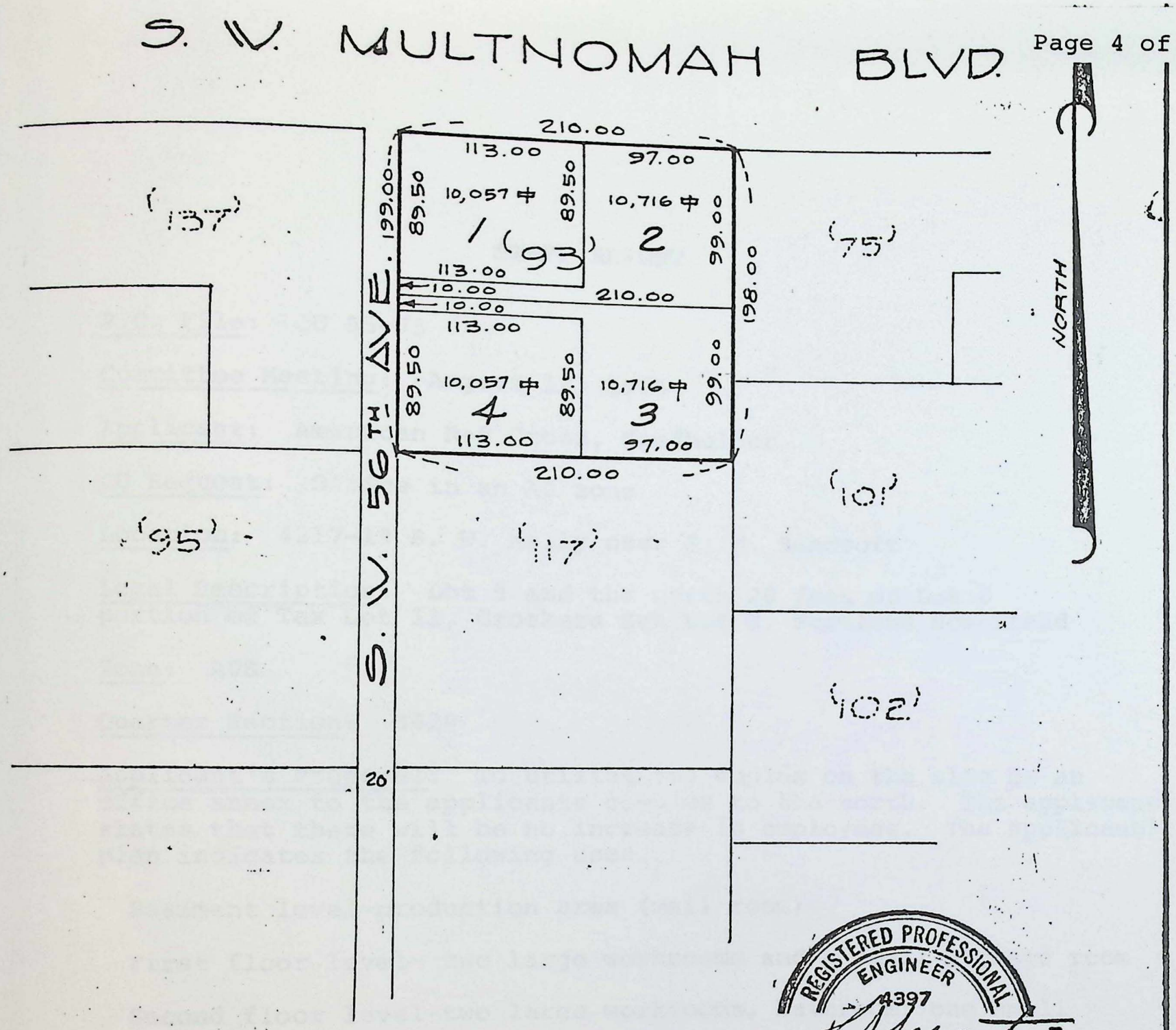
PORTLAND BUREAU OF PLANNING

P.C. File S 16-75
Request SUBDIV.
1/4 Section 3823
Scale 1"= 2000'

117



Proposed Subdivision
File #S 16-75
¼ Sec. 3823
Subdivision Boundaries
Shown Are Approximate



REGISTERED PROFESSIONAL ENGINEER 4397 OREGON MAY 8, 1959 R. A. MARTIN

TENTATIVE PLAN ...

FOR: DICK WEIGEL & DAVE McINTYRE
519 S.W. PARK AVE.
PORTLAND, OR. 97205
222-467

SUBDIVISION OF TAX LOT 93
S. W. 1/4 SEC. 19, T. 1S., R. 1E., W.M.
MULTNOMAH COUNTY,
OREGON

MAY 2 1975

Bureau of Planning

SHEET NO. 3823

MARTIN ENGINEERING CO.

Civil Engineers · Land Planners · Land S... ...eyors

119

STAFF REPORT

P.C. File: CU 55-75

Committee Meeting: August 12, 1975

Applicant: American Red Cross, deedholder

CU Request: Office in an A0 zone

Location: 4217-19 S. W. Kelly near S. W. Bancroft

Legal Description: Lot 5 and the north 20 feet of Lot 6 portion of Tax Lot 11, Crockers Sub Lot 3, Portland Homestead

Zone: A0S

Quarter Section: 3429

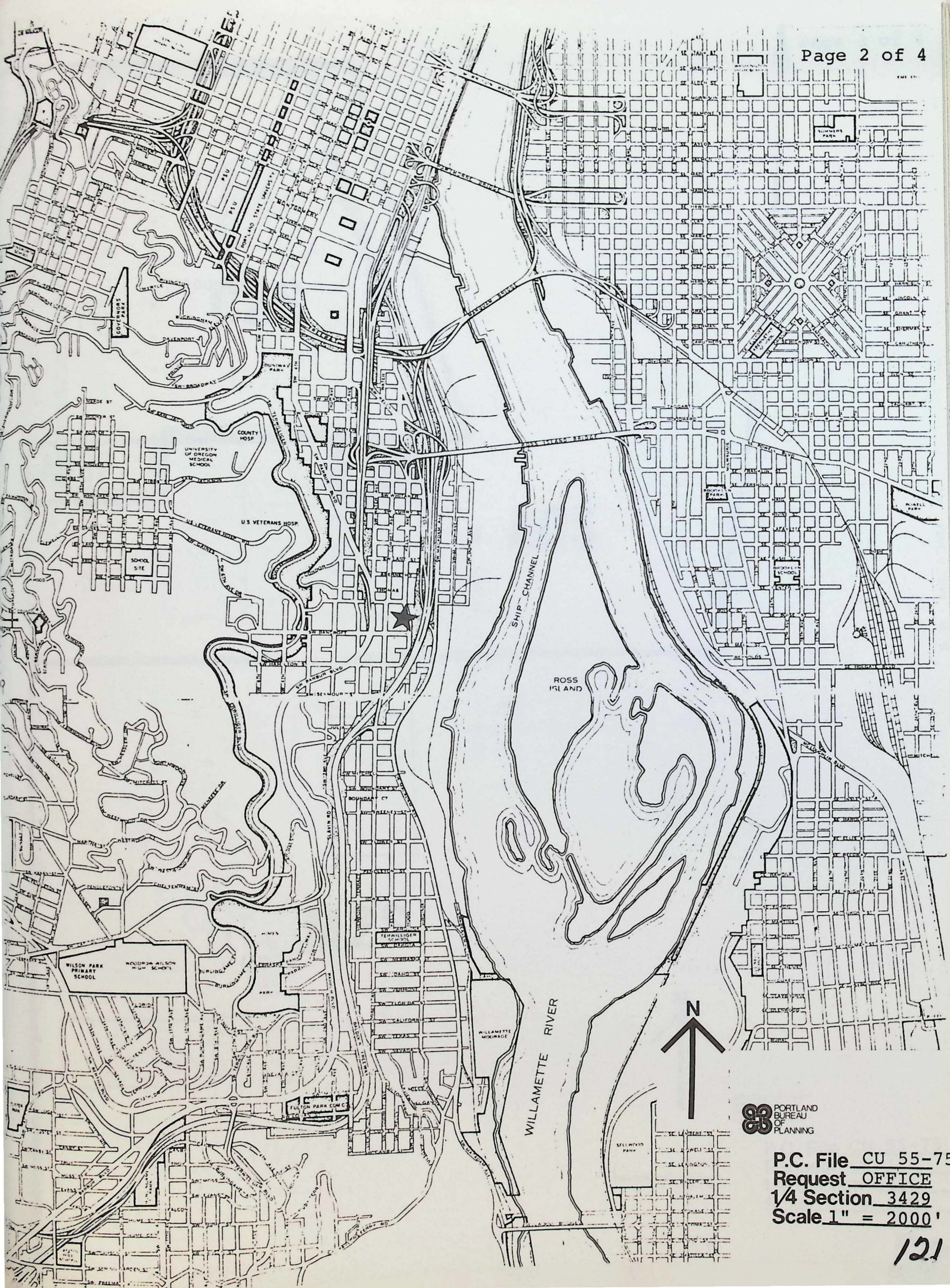
Applicant's Proposal: To utilize the duplex on the site as an office annex to the applicants complex to the north. The applicant states that there will be no increase in employees. The applicant's plan indicates the following uses.

Basement level-production area (mail room)

First floor level- two large workrooms and a small storage room

Second floor level-two large workrooms, bathroom, one small undesignated room

On August 12, 1975 the Zoning Committee referred this case to the full Planning Commission to allow the request to be considered by the Planning Commission after the Planning Commission's August 26, 1975 consideration of the Corbett/Terwilliger/Lair Hill Plan.


SHIP CHANNEL
ROSS ISLAND
WILLAMETTE RIVER
N
PORTLAND BUREAU OF PLANNING
P.C. File CU 55-75
Request OFFICE
1/4 Section 3429
Scale 1" = 2000'
121

S. W. LOWELL

S. W. HOOD AV.

(658)

TERWILLIGER PARK

(4201)

C2S

AOSP

AOS

KELLY AV.

CORBETT

S. W. BANCROFT

S. W. MACADAM AV.

BALDOCK FREEWAY

S. W.

(657)

M2S

(4202)

S. W. HAMILTON

N

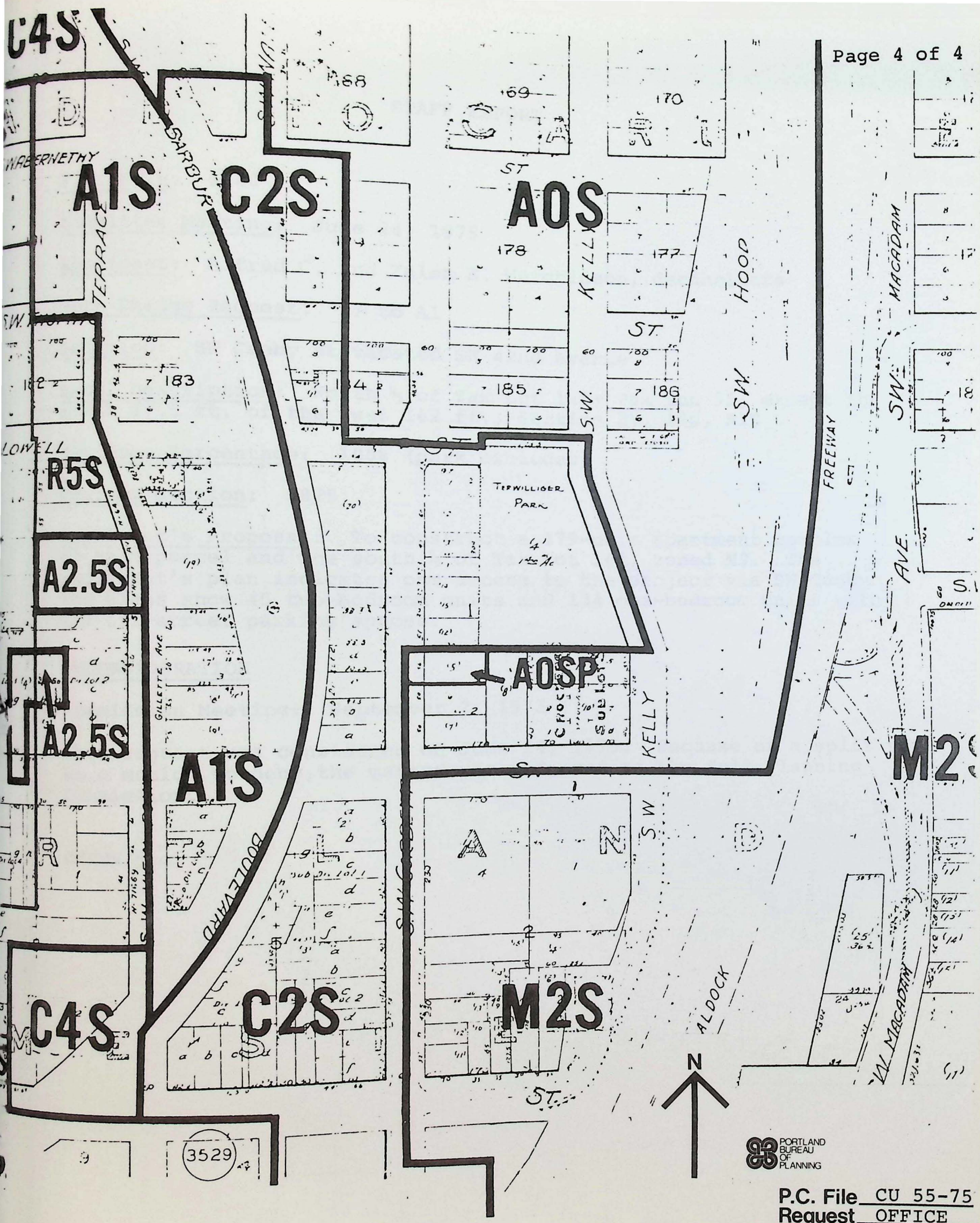
SCALE OF FEET

COPYRIGHT SANBORN MAP

PORTLAND BUREAU OF PLANNING

P.C. File CU 55-75
Request OFFICE
1/4 Section 3429
Scale 1" = 100'

1/22



PORTLAND BUREAU OF PLANNING

P.C. File CU 55-75
Request OFFICE
1/4 Section 3429
Scale 1" = 200'

STAFF REPORT

P.C. File: 6440

Committee Meeting: June 24, 1975

Applicant: Alfred C. and Helen E. Hutchinson, deedholders

Zone Change Request: R7 to A1

Location: SW Canby at vacated SW 42nd Avenue

Legal Description: North ½ of Tax Lot 141; Tax Lot 95, except the north 17.5 ft. of the west 162 ft., Section 20, T1S, R1E

Petition Percentage: 100% (park excluded)

Quarter Section: 3825

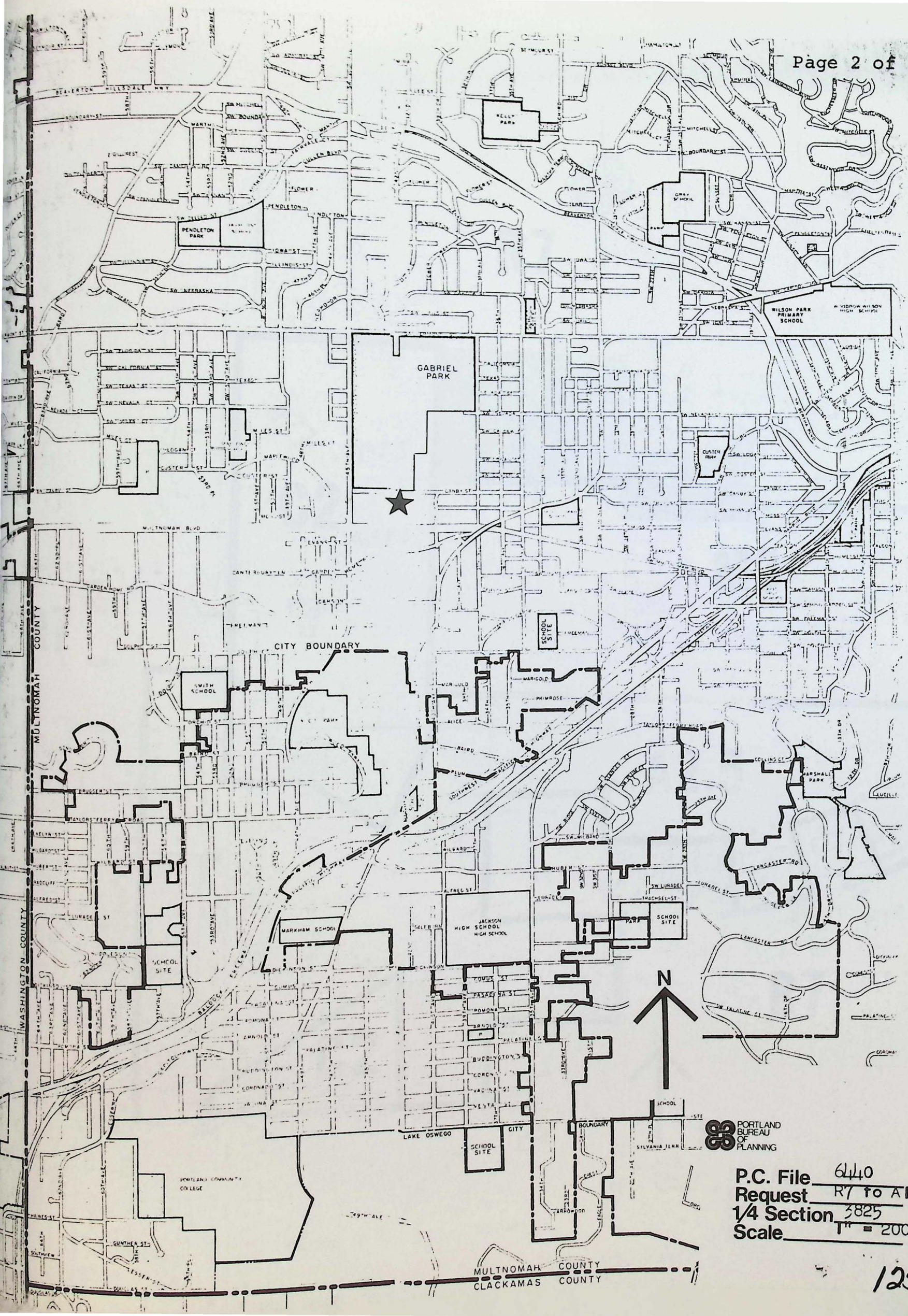
Applicant's Proposal: To construct a 179-unit apartment complex on this parcel and the south ½ of Tax Lot 141, zoned M3. The applicant's plan indicates one access to the project via SW Canby. The plans show 45 two-bedroom units and 134 one-bedroom units with 185 off-street parking spaces.

RECONSIDERATION

Commission Meeting: September 2, 1975

This request was considered on June 24, 1975. Because of a split vote on a motion to deny, the matter was referred to the full Planning Commission.

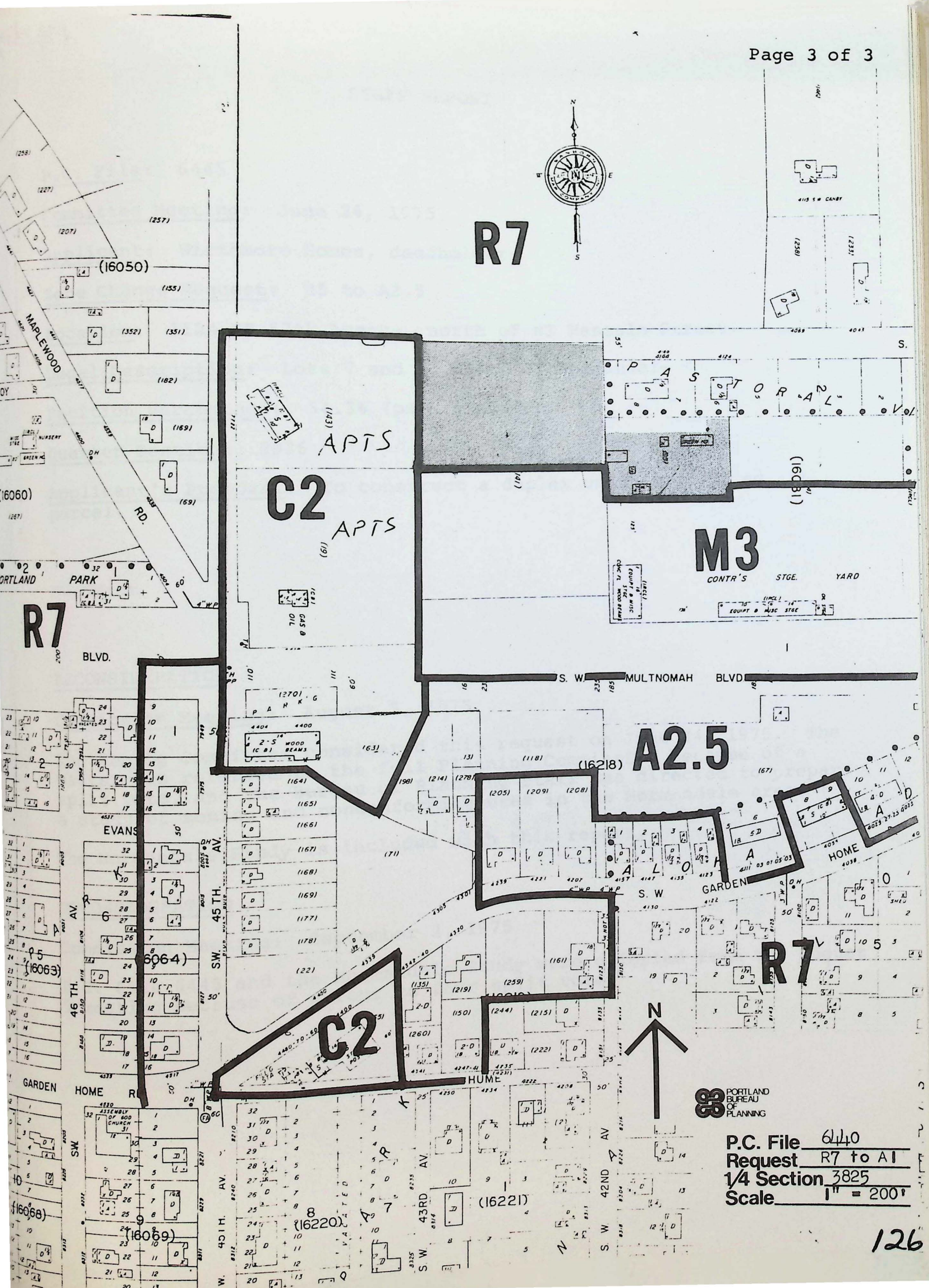
SV/NW/jlg



PORTLAND BUREAU OF PLANNING

P.C. File 6440
Request R7 to A1
1/4 Section 3825
Scale 1" = 2000'

125


R7
C2
APTS
APTS
M3
CONTR'S STGE. YARD
PASTORAL
S. W. MULTNOMAH BLVD
A2.5
R7
C2
R7
MAPLEWOOD RD.
PORTLAND PARK
BLVD.
EVANS
GARDEN HOME
HUME
S.W. 45TH. AV.
S.W. 46TH. AV.
S.W. 43RD AV.
S.W. 42ND AV.
(16050)
(16060)
(16063)
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(16068)
(16069)
(16218)
(16220)
(16221)
(16081)
N
PORTLAND BUREAU OF PLANNING
P.C. File 6440
Request R7 to A1
1/4 Section 3825
Scale 1" = 200'

STAFF REPORT

P.C. File: 6445

Committee Meeting: June 24, 1975

Applicant: Wirthmore Homes, deedholder

Zone Change Request: R5 to A2.5

Location: 1124 NE 57th Avenue, north of NE Hassalo Street

Legal Description: Lots 7 and 8, Block 3, Normandale

Petition Percentage: 54.3% (park excluded)

Quarter Section: 2936

Applicant's Proposal: To construct a duplex on this 4,750 sq. ft. parcel.

SV:NW:st

RECONSIDERATION

Commission Meeting: August 5, 1975

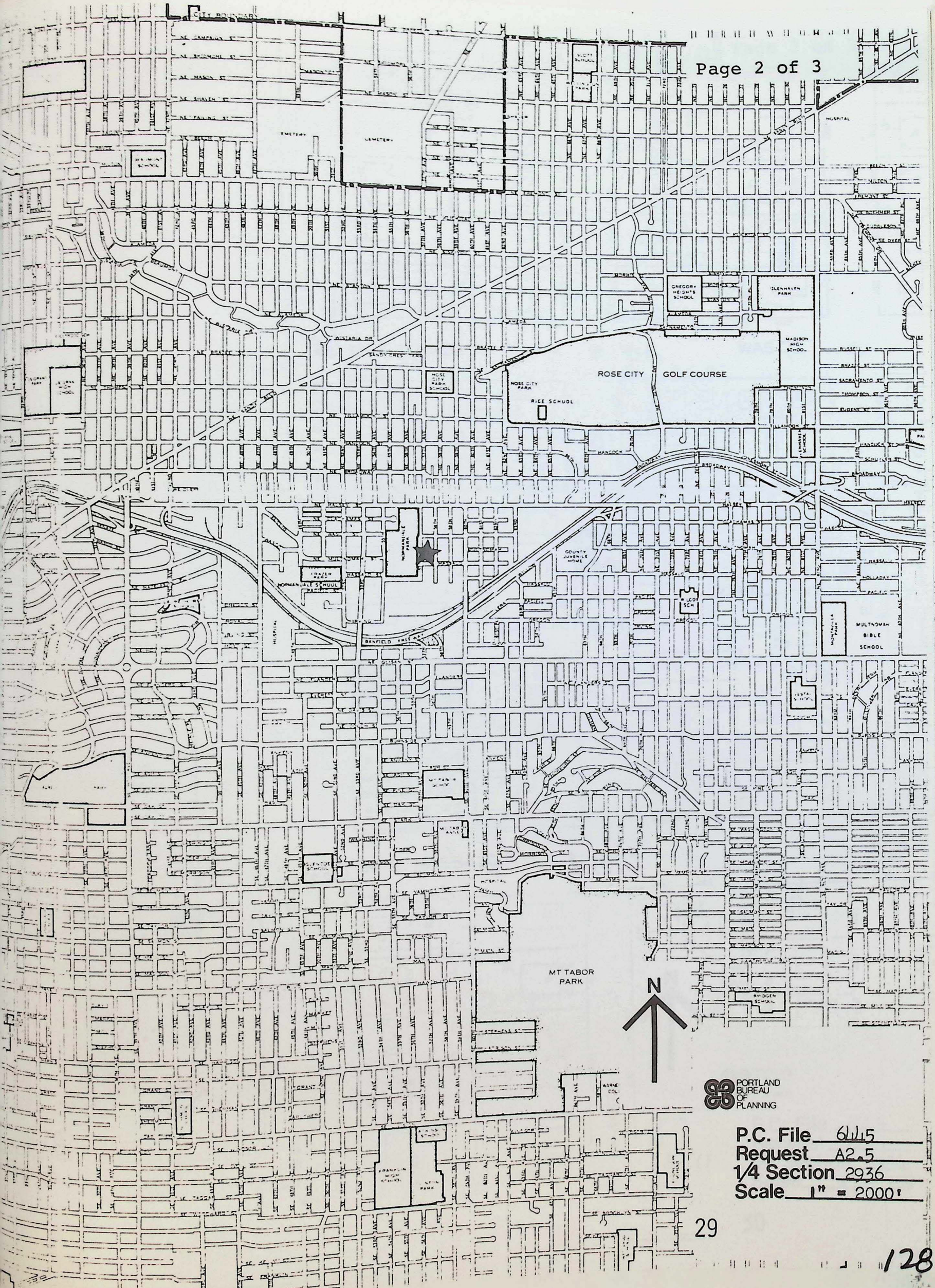
The Zoning Committee considered this request on June 24, 1975. The matter was referred to the full Planning Commission because of a split vote, and the Bureau of Planning Staff was directed to prepare a study of zoning and nonconforming uses in the Normandale area.

The Normandale Study is included with this report.

RECONSIDERATION

Commission Meeting: September 2, 1975

P.C. File 6445 and the Normandale Study were deferred from the August 5 meeting because of a four to four split vote.

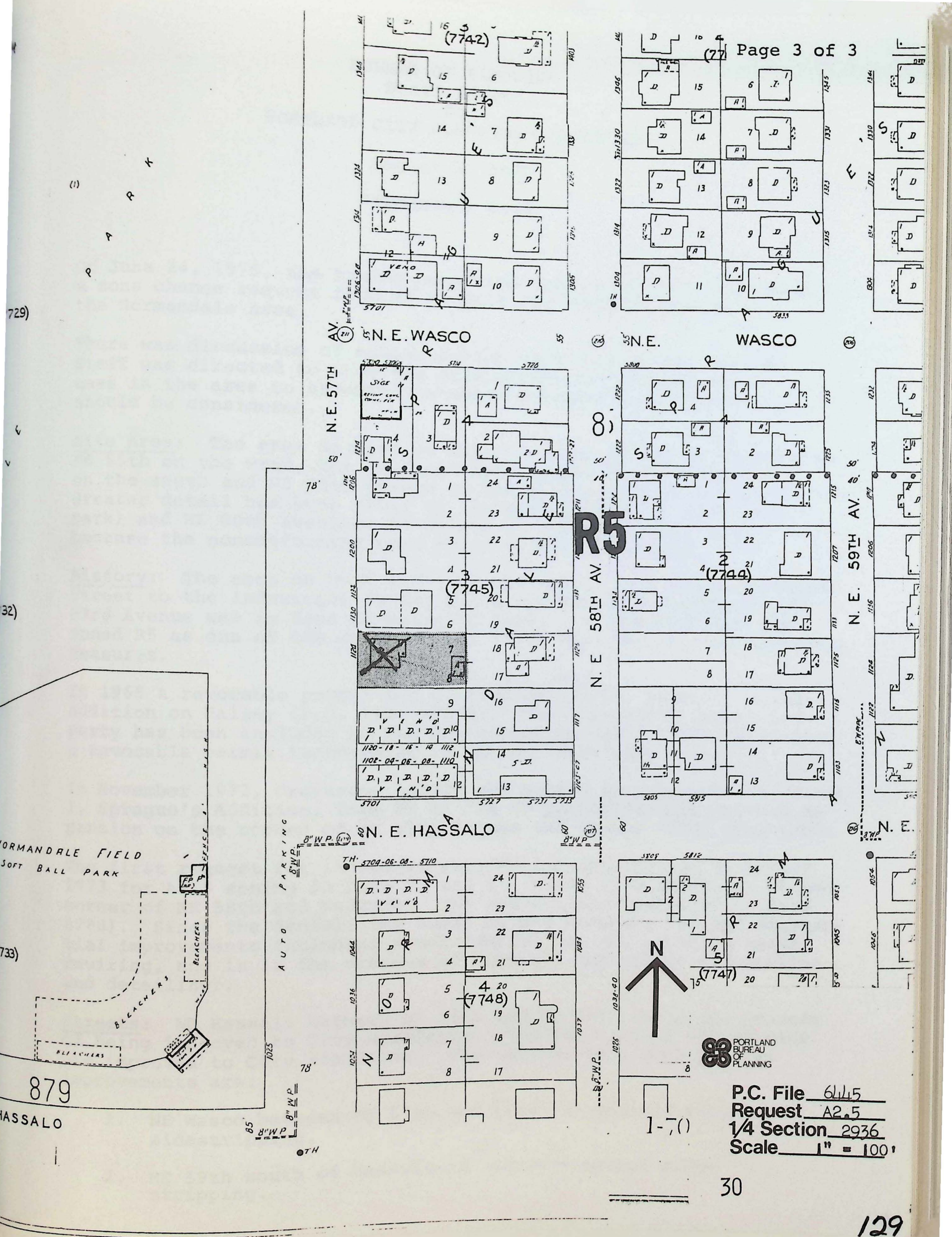


PORTLAND BUREAU OF PLANNING

P.C. File 6445
Request A2.5
1/4 Section 2936
Scale 1" = 2000'

29

128


N. E. WASCO
N. E. WASCO
N. E. 57TH AV.
N. E. 58TH AV.
N. E. 59TH AV.
N. E. HASSALO
N. E.
R5
(7742)
(7745)
(7744)
(7748)
(7747)
VENO
SIGE
AUTO PARKING
8" W.P.
N
879
HASSALO
PARK
NORMANDALE FIELD
SOFT BALL PARK
BLEACHERS
FENCE
1-70
PORTLAND BUREAU OF PLANNING
P.C. File 6445
Request A2.5
1/4 Section 2936
Scale 1" = 100'

BUREAU OF PLANNING
Staff Report
To
PORTLAND CITY PLANNING COMMISSION

August 5, 1975

Normandale Study

On June 24, 1975, the Zoning Committee considered P.C. File 6445, a zone change request from R5 to A2.5 for Wirthmore Homes in the Normandale area.

There was discussion of nonconforming uses in the area and the Staff was directed to show the development and nonconforming uses in the area to ascertain whether a larger zone change area should be considered.

Site Area: The area studied is bounded by NE Halsey on the north, NE 55th on the west, the Banfield Freeway and railroad tracks on the south and NE 60th Avenue on the east (see attached map). Greater detail has been given to the area between NE 57th (the park) and NE 60th Avenues, NE Halsey to the industrial area, because the nonconforming uses occur in this area only.

History: The area on both sides of Normandale Park south of Halsey Street to the industrial zoning along the Banfield Freeway to NE 63rd Avenue was in Zone II prior to 1959. In 1959 the area was zoned R5 as one of the several Zone II to Residential Zone Upgrading Measures.

In 1965 a revocable permit was granted on Lot 20, Block 2, Sprague's Addition on Halsey (P.C. File 4757R). This revocable permit property has been included in the nonconforming use statistics although a revocable permit technically is not nonconforming.

In November 1972, Ordinance 135510 was passed to change Lot 3, Block 1, Sprague's Addition, from R5 to C2B to permit service station expansion on the corner of NE 60th Avenue and Halsey (P.C. File 6092).

The first request for increased residential density was in August 1973 for A2.5 zoning on Lots 23 and 24, Block 4, Normandale, at the corner of NE 58th and Hassalo. The request was denied (P.C. File 6280). Since the denial, the house on the property has had substantial improvements including a new foundation, new plumbing works, rewiring, and is in the process of cosmetic improvements (painting and detailing).

Streets: NE Hassalo between NE 58th and NE 60th is in the process of being improved to City standards. The majority of the streets are improved to City standards. The only streets with partial improvements are:

1. NE Wasco between NE 57th and 60th is improved except sidestripping.

2. NE 59th south of Hassalo is improved except sidestripping.

3. NE 55th Avenue, the western boundary of this study, is improved with a paved strip only from NE Halsey Street to NE Hassalo Street.

Existing Land Uses: Within the M2S zone are a variety of manufacturing businesses, warehouses and offices. In the western portion of the study area is the 14.39 acre Normandale Park. There is a pocket of A2.5 zoning at the corner of NE Halsey and NE 55th in the northwest corner of the park. Between NE 57th Avenue and 60th Avenue, south of NE Halsey in zone R5 are 118 single-family dwellings, 8 duplexes, 4 lots with over A2.5 density, one storage garage and one residential dwelling with a revocable permit for commercial use on Halsey. There is a service station on the corner of NE Halsey Street and 60th Avenue, zoned C2.

Vacant Land: There are three vacant parcels in the neighborhood.

1. Lot 14, Block 3, Sprague's Addition is owned by the owner of Lot 15 and is used as a large garden-side yard.

2. Lots 7 and 8, Block 2, Normandale, is owned by the owner of Lots 5 and 6 and is a large garden-side yard too.

3. The applicant's property on Lots 7 and 8 is vacant as the dwelling on the site burned down last year. After the fire, the site was cleared. This is the only vacant lot held in separate ownership from any abutting lots.

Nonconforming Use: Between NE 57th and 60th, NE Halsey to the Industrial Area there are 97,500± sq. ft. of nonconforming uses or 9+% of the 9-block area. There are:

Residential Nonconforming Use

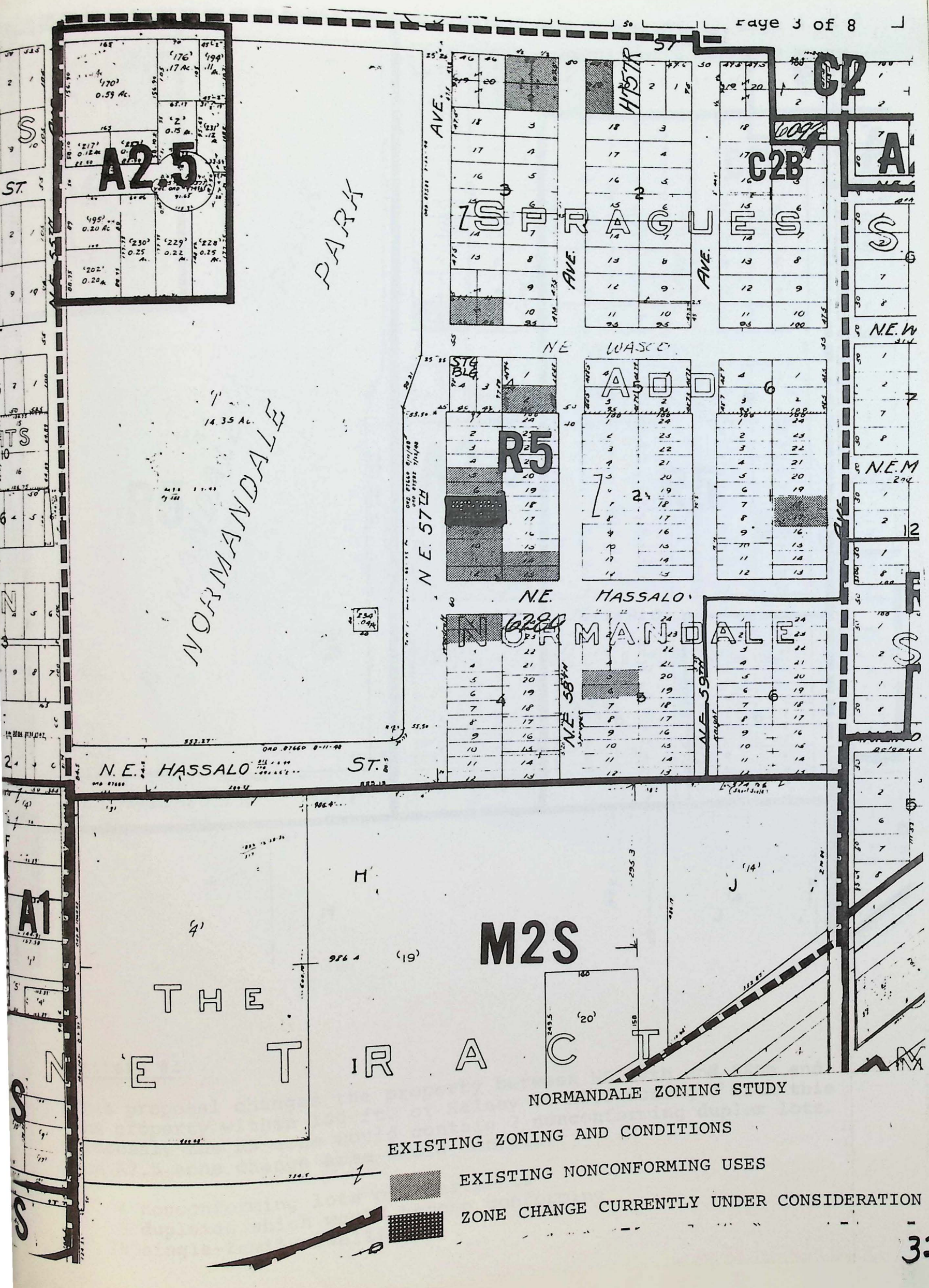
8 duplex lots or 5.5%
4 lots of apartment complexes at A1 or greater density, 2.7%

Non-residential Use

1 nonconforming storage building, 0.3%
1 residential dwelling with a revocable permit for commercial use, 0.6%

Attached are five possible zoning patterns. Because the nonresidential uses would not be changed by any residential zone changes, only residential nonconforming uses are noted in the 5 zoning patterns.

SV:NW:st

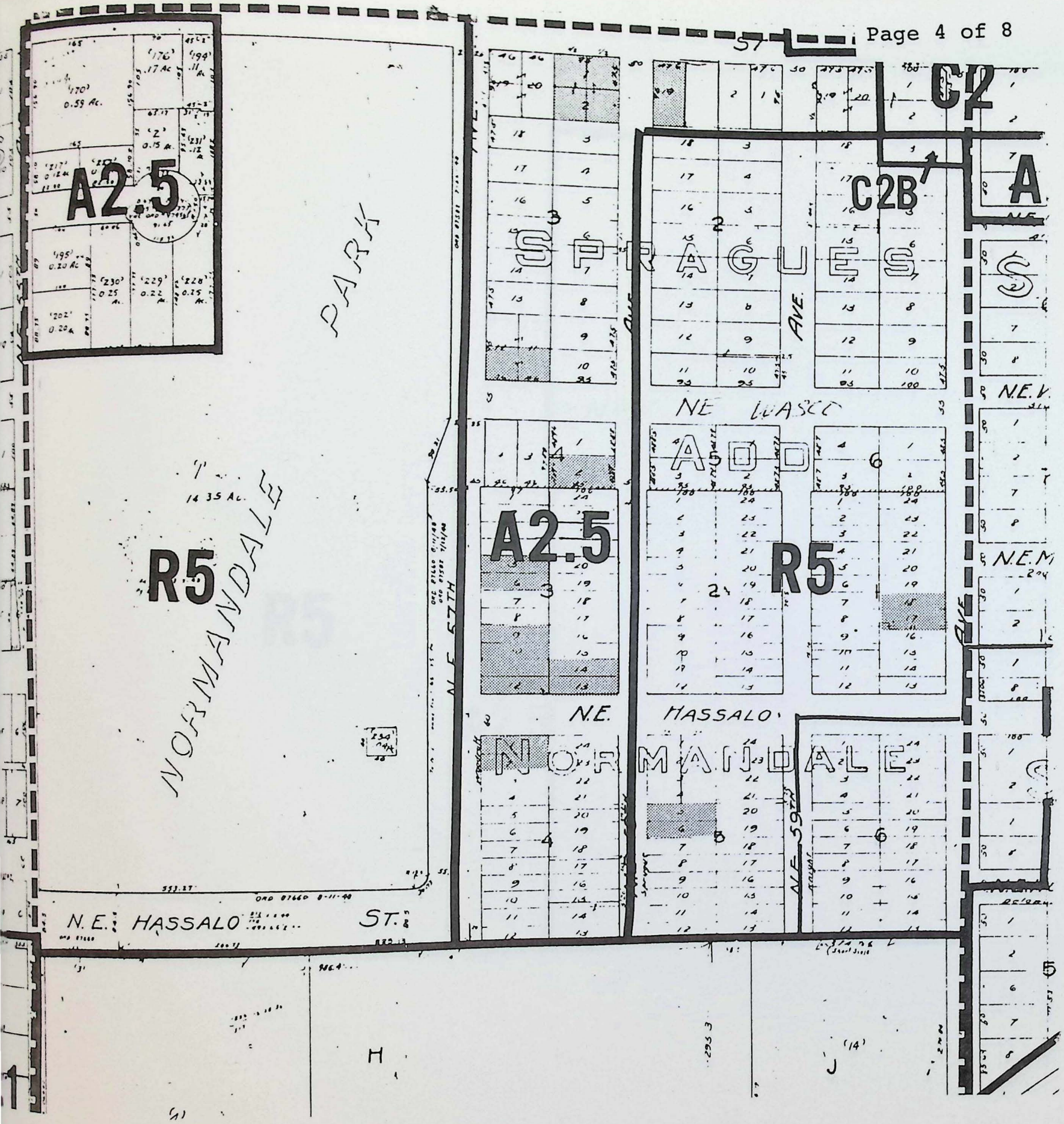


NORMANDALE ZONING STUDY

EXISTING ZONING AND CONDITIONS

EXISTING NONCONFORMING USES

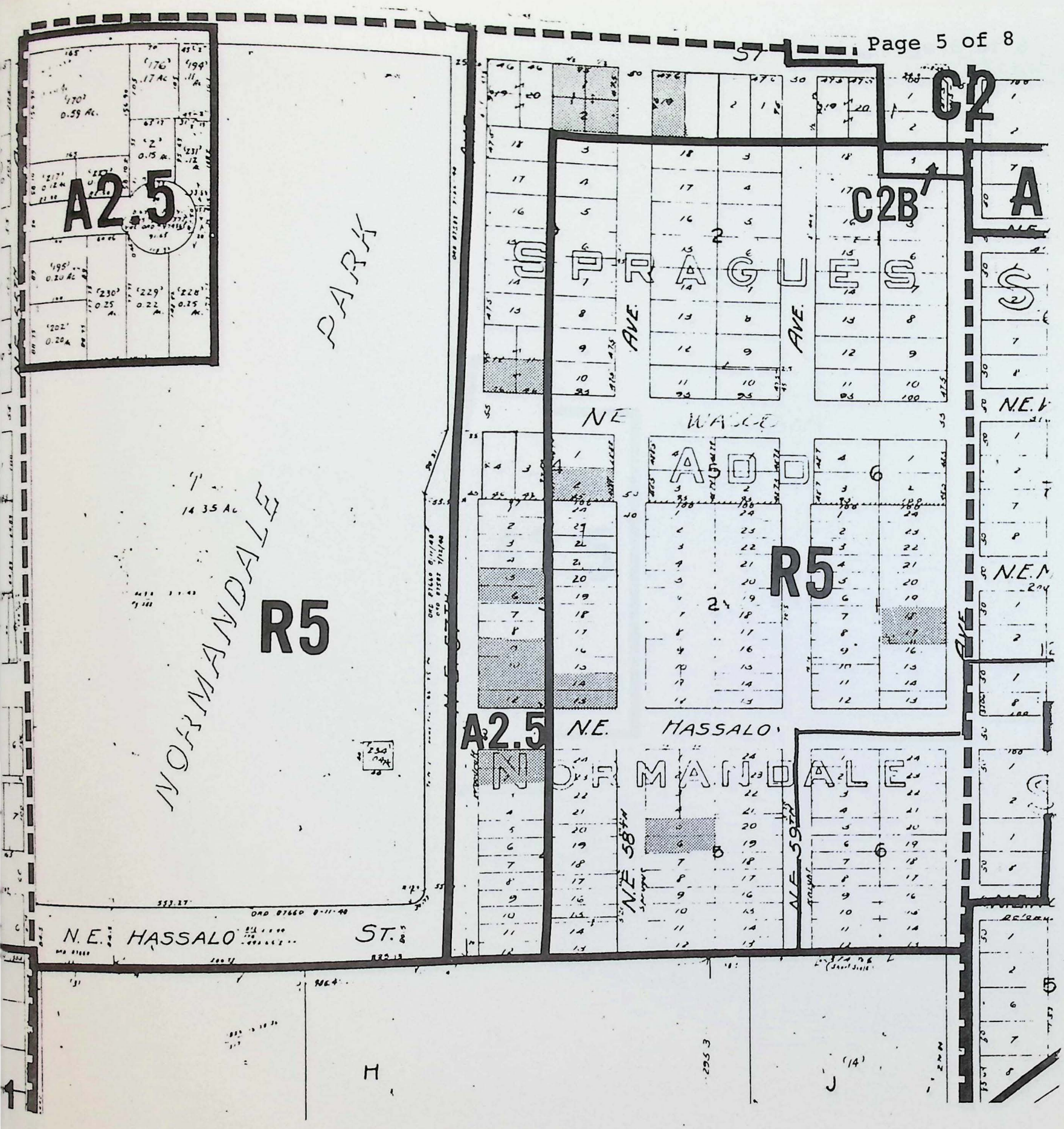
ZONE CHANGE CURRENTLY UNDER CONSIDERATION



Pattern #1

This proposal changes the property between NE 57th and 58th and the property within 100 ft. of Halsey to A2.5 zoning. With this proposal, the R5 zone would contain 2 nonconforming duplex lots. The A2.5 zone change area would contain:

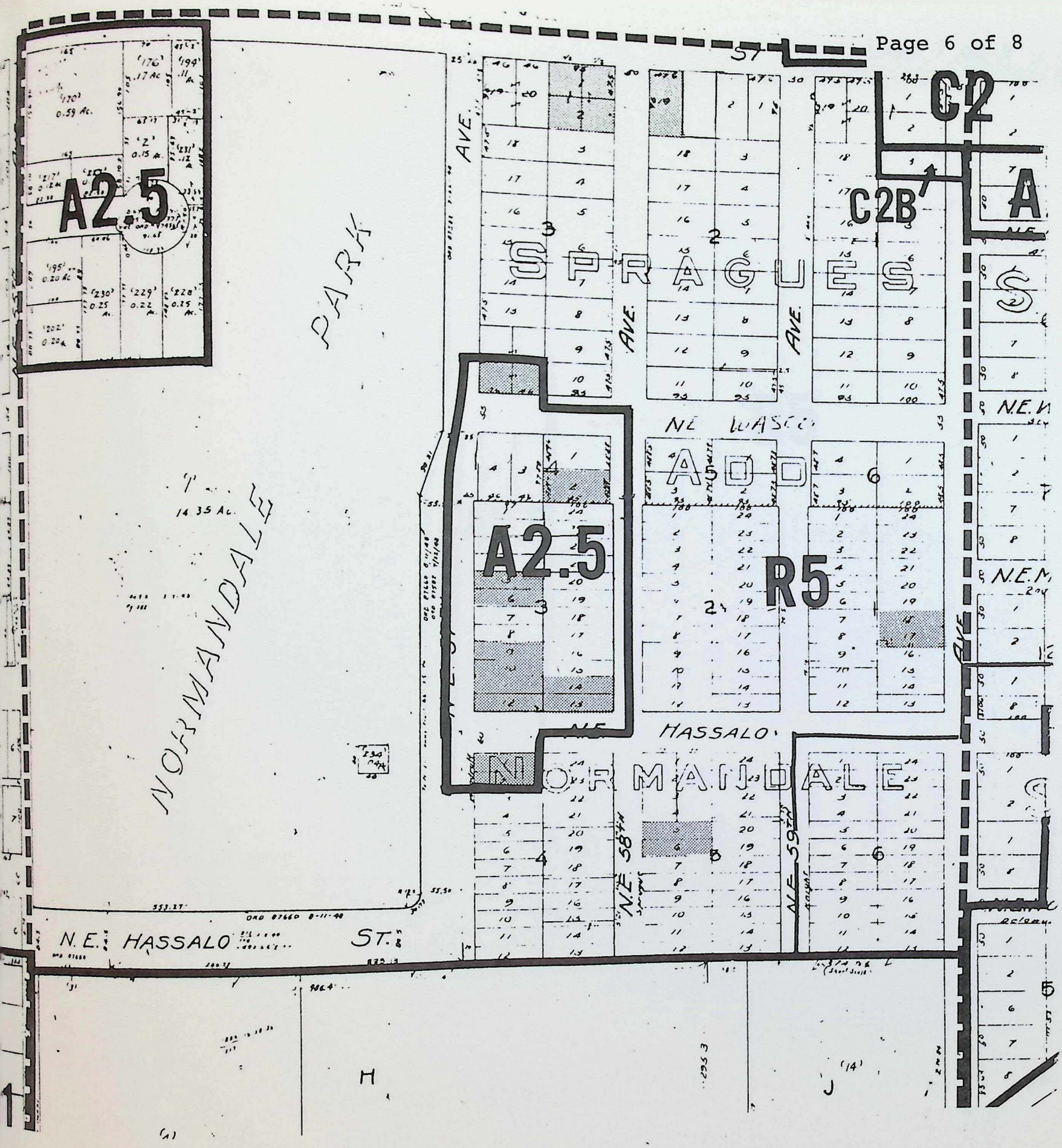
4 nonconforming lots of apartments
6 duplexes which would become conforming
38 single-family dwellings



Pattern #2

This proposal changes the property fronting on 57th and Halsey only to A2.5. With this proposal, the R5 zone would contain the following nonconforming uses: 3 duplexes and 1 five-plex. The A2.5 zone change area would contain:

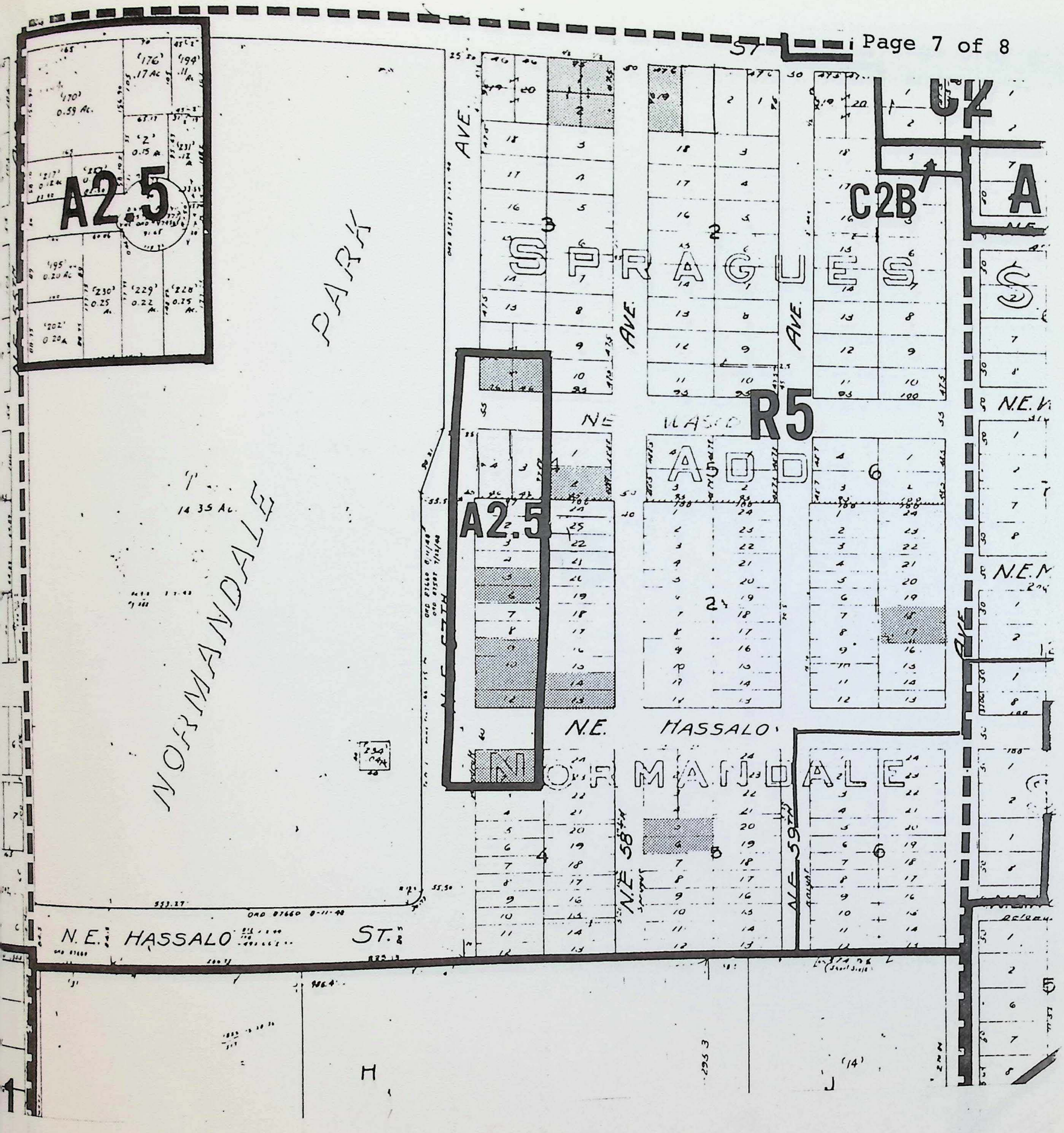
3 nonconforming apartment lots (19 units)
5 duplexes which would become conforming
19 single-family dwellings



Pattern #3

This proposal would change the block from NE 57th to NE 58th, NE Hassalo to Wasco with the addition of 2 apartment lots in adjacent blocks. The R5 zone would contain the nonconforming 5 duplexes. The A2.5 zone would contain:

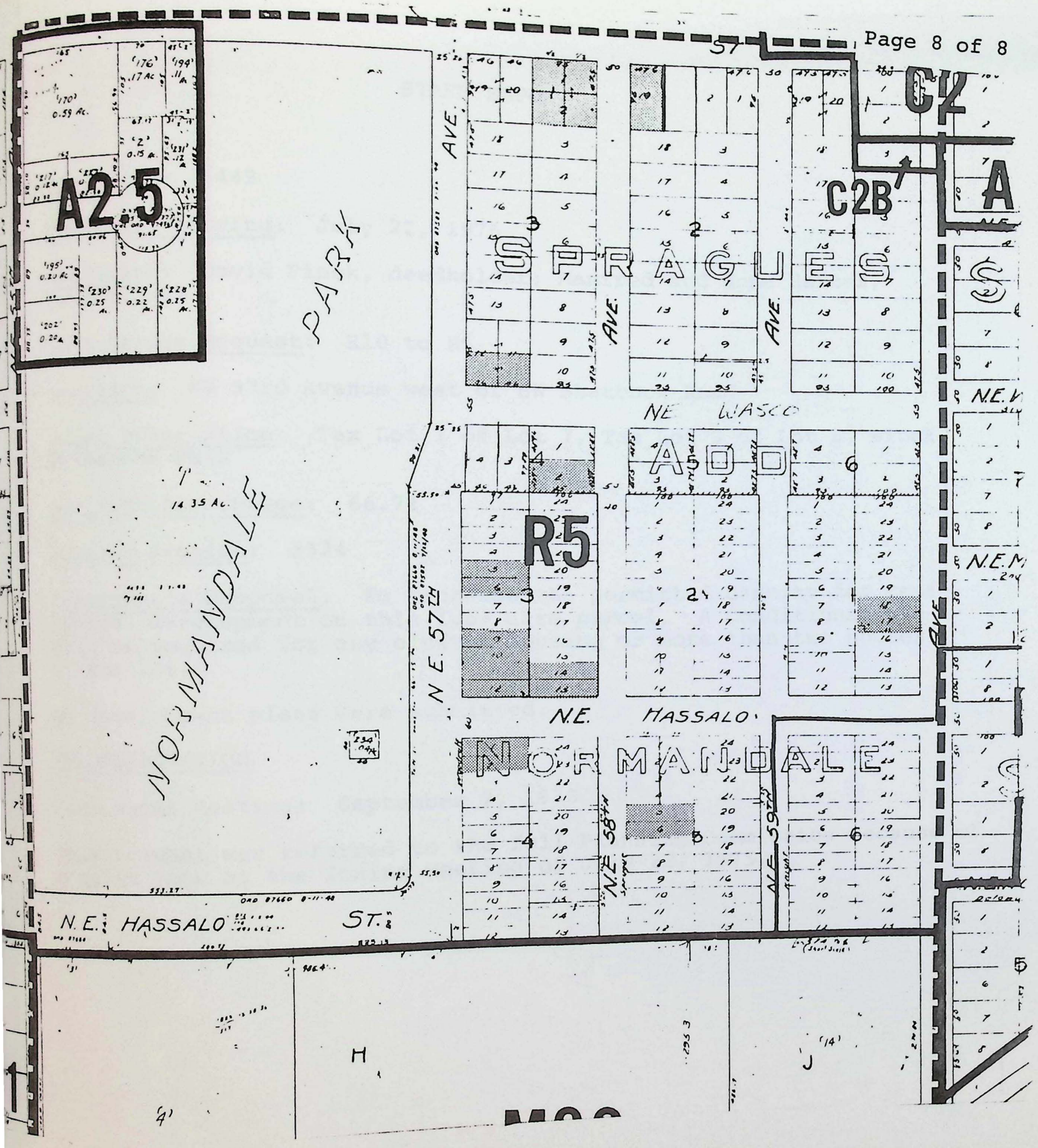
4 nonconforming apartment lots (19 units)
3 duplexes would then conform
9 single-family dwellings



Pattern #4

This proposal would change to A2.5 those properties fronting on NE 57th Avenue from one lot north of NE Wasco to one lot south of NE Hassalo Streets. Nonconforming uses remaining in the R5 zone would be: 1 5-plex, and 6 duplexes. Included in the A2.5 zone would be:

3 nonconforming apartment lots (14 units)
2 duplexes which would then conform
3 single-family dwellings



Pattern #5

No change. The area would remain R5 with the existing nonconforming structures remaining nonconforming.

STAFF REPORT

P.C. File: 6449

Committee Meeting: July 22, 1975

Applicant: David Finck, deedholder; Manfred and Anna Harter, deedholders

Zone Change Request: R10 to R5

Location: SW 53rd Avenue west of SW Shattuck Road

Legal Description: Tax Lot 1 of Lot 7, Tax Lot 3 of Lot 8, Block 2, Fannoe Park

Petition Percentage: 66.7%

Quarter Section: 3524

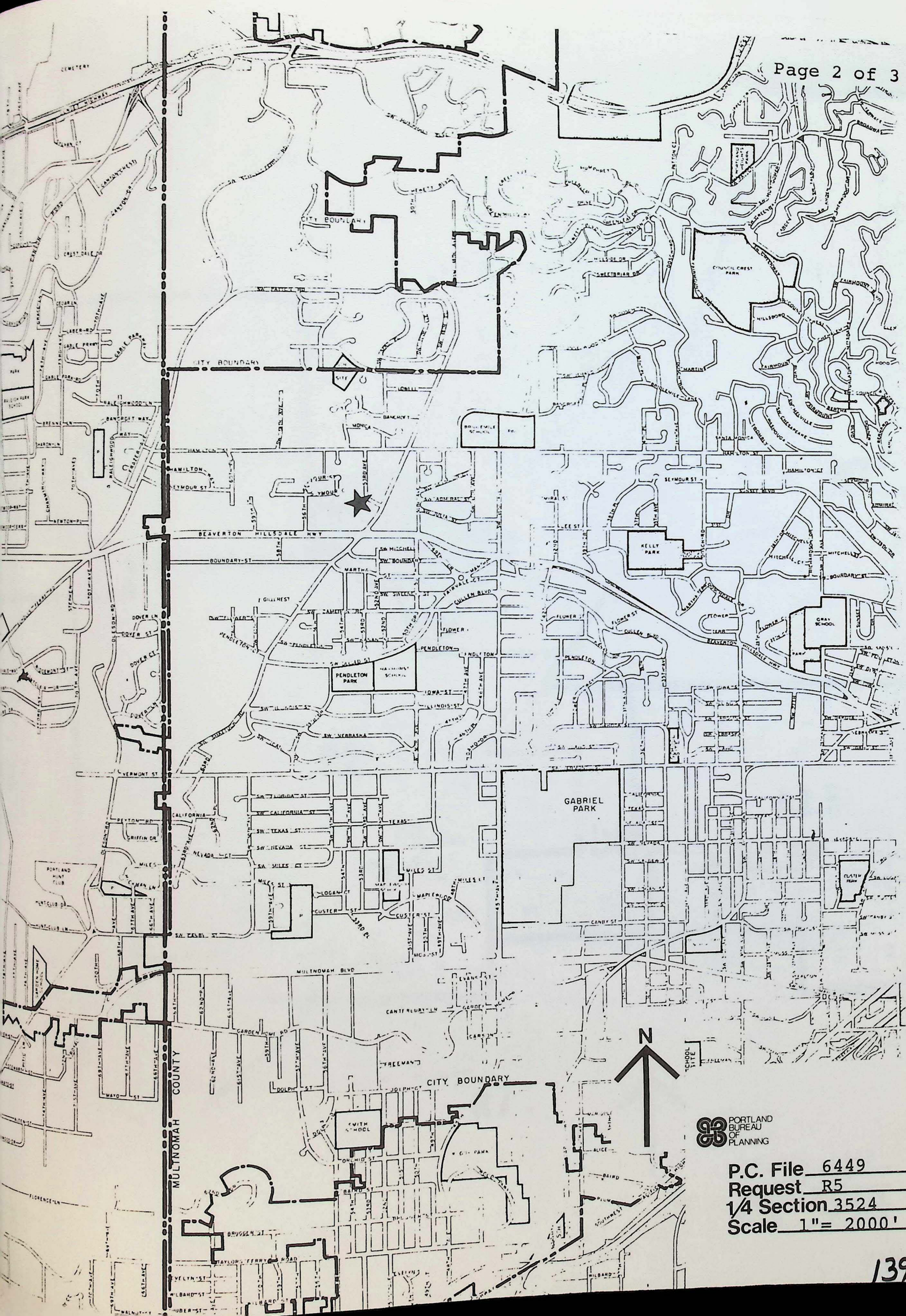
Applicant's Proposal: To increase the permitted density for residential development on this 1.5± acre parcel. A Conditional Use will be required for any cluster housing or more than two houses on the lot.

No development plans were submitted.

RECONSIDERATION

Commission Meeting: September 2, 1975

This request was referred to the full Planning Commission because of a split vote at the Zoning Meeting of July 22, 1975.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CITY BOUNDARY
SITE
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BOUNDARY ST
HAMILTON
SEYMOUR ST
MONICA
BANCROFT
LOWELL
MARTHA
SW MITCHELL
SW BOUNDARY
SW SYCAMORE
SW CAMELL
SW PENDLETON
SW IOWA ST
SW ILLINOIS ST
SW NEBRASKA
SW VERMONT ST
SW FLORIDA ST
SW CALIFORNIA ST
SW TEXAS ST
SW NEVADA ST
SW MILES ST
SW CANBY ST
MULTNOMAH BLVD
CANTERBURY LN
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CITY BOUNDARY
MULTNOMAH COUNTY
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SW ALICE
SW BAIRD
SW PLUM
SW FLOWER
SW CULLEN BLVD
SW BARBUR BLVD
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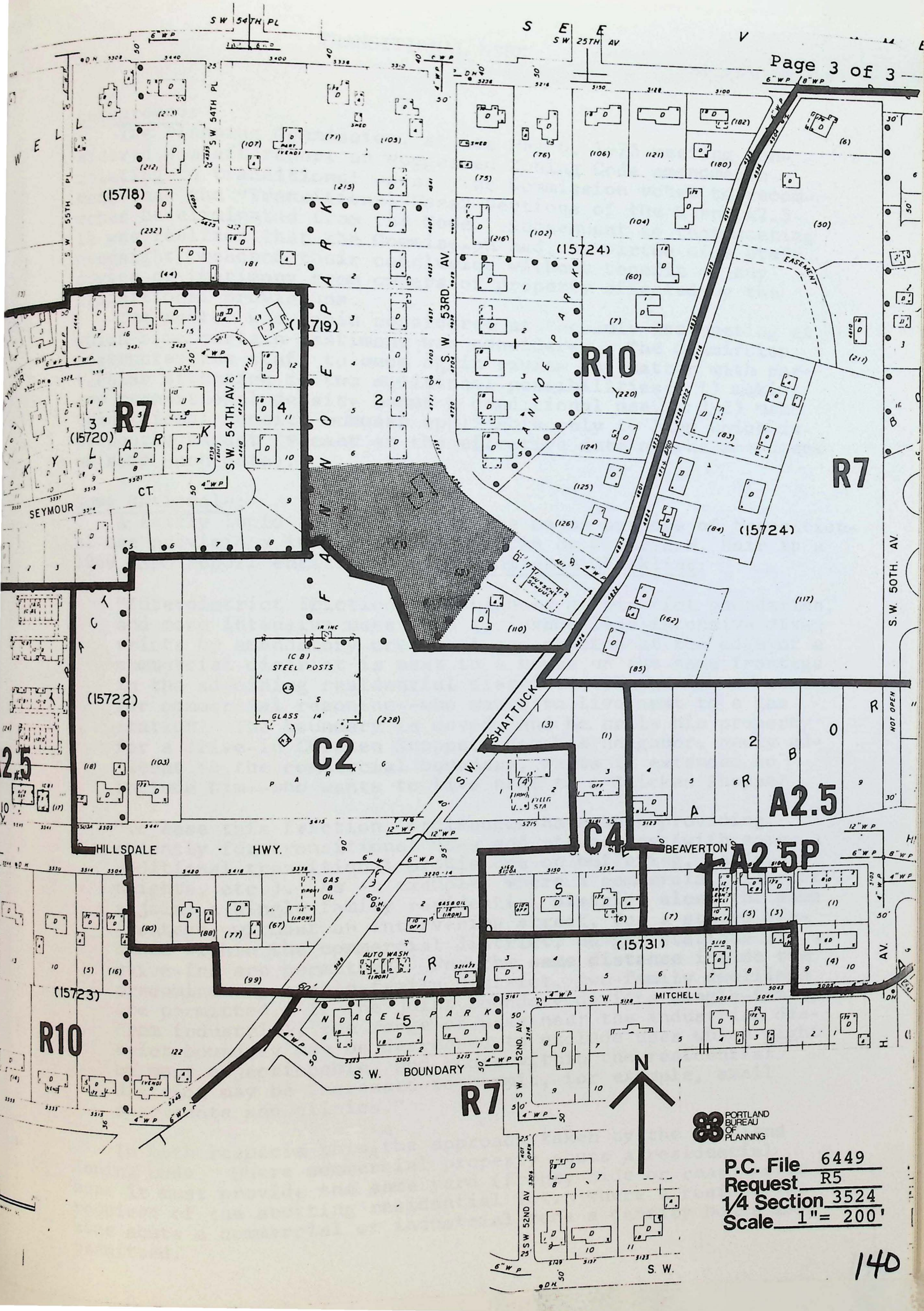


PORTLAND BUREAU OF PLANNING

P.C. File 6449
Request R5
1/4 Section 3524
Scale 1"= 200'

TRANSITIONAL USES

Background:

The Planning Commission, at its May 6, 1975 meeting considered a staff report on suggested Zoning Code amendments relating to transitional uses. The Commission voted to recommend that the "Transitional Uses" sections of the R and A2.5 zones be eliminated from the Code. Subsequent to that meeting it was realized that the Commission had, by virtue of a staff oversight, reached their conclusion without benefit of any advice or testimony from owners of property affected by the transitional provisions.

The matter was again considered at the July 1st meeting at which time certain testimony was considered. The Commission instructed the staff to once again review the matter with particular attention to two additional possibilities: 1) making any transitional density bonus a conditional use, and 2) make transitional density bonuses applicable only to land which is presently vacant (vacant at the effective date of the amendment or some such date).

Some Rationale:

A fairly lucid explanation of the major purpose of transitional use provisions in zoning was written by Fredrick H. Bair in a 1969 ASPO report entitled Zoning Ordinance Checklist:

> "Interdistrict frictions are highest at district boundaries, and more intensive uses tend to invade less intensive districts by amendatory creep. A gas station at the edge of a commercial district is next to a house on the same frontage in the adjoining residential district. The homeowner asks for commercial rezoning--who wants to live next to a gas station? The boundary is moved, and he sells his property for a drive-in Chicken Shoppe. Now his neighbor, newly adjacent to the commercial boundary, wants it extended to include him--who wants to live next to a Chicken Shoppe?
>
> "To ease this friction, ordinances have been providing recently for transitional uses and structures (with some additional transitional provisions on buffering, yards, heights, etc.). As an example, where a commercial district adjoins a single-family residential district along the same frontage, without an intervening street, for a stated distance within the commercial district, no gas stations or drive-ins are permitted. For the same distance inside the predominantly single-family district, two-family dwellings are permitted. If the joint boundary divides single-family from industrial, the range of uses near the industrial district boundary may be decreased to exclude uses which might be most objectionable, and those within the residential district may be increased to permit, for example, small apartments and clinics."

In both respects this is the approach taken by the Portland Zoning Code. Where commercial property abuts a residential zone it must provide the same yard (front, side or rear) as is required of the abutting residential lot. Where a residential zone abuts a commercial or industrial zone a density bonus is permitted.

The purpose was clearly to provide a sort of transition or blending of one zone into the other and to provide a barrier to creeping zone changes by offering an economic incentive to residential construction on the boundary lots by virtue of the density bonus. It should be remembered that both the C-2 and M-3 zones (the zones against which the overwhelming majority of transitional lots abut) both permit A-1 density apartments. A great number of apartment buildings exist in such zones and new ones are constructed continually. In the R zones the transitional lots do, in fact, effect a transition. In A-2.5 on the other hand, since A-1 density is permitted on the transitional lots as well as in the C-2 or M-3 zone abutting, the effect is not a blending of use intensity at all, but almost a shift in the zone boundary - that does not appear on the map.

One can hardly argue however, that a lot adjoining a C-2 or M-3 zone is inappropriate for increased residential densities because of its location adjacent to those zones as long as the C-2 and M-3 zones themselves permit the higher density housing.

There is one additional factor in favor of some form of density bonus on lots abutting C and M zones. Most of the C-2 and M-3 zoning in Portland is found in strips along the major streets (reflecting the results of Portland's 1924 zoning Code which remained in effect for 35 years). These streets also form the primary and secondary arterial street system and are, by and large the location of the mass transit system. Therefore the higher housing densities, representing the highest generation of trips, are located closest to the transportation facilities.

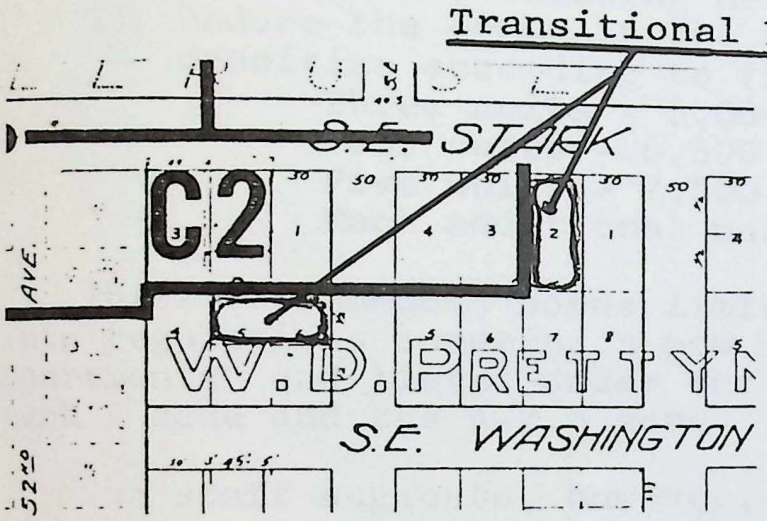
The transitional use provisions of the Code, as it presently functions, have several notable shortcomings even if one is in conceptual sympathy with the transitional technique:

As noted above, a transitional lot in zone A-2.5 does not actually provide much transition since it permits the same A-1 density as the abutting C-2 or M-3 zone. As originally adopted in 1959, the density permitted on a transitional lot in A-2.5 was 1200 square feet per unit, or double the A-2.5 density rather than full A-1 density. It is difficult now to reconstruct the rationale but for some reason this was changed to A-1 density some years later.

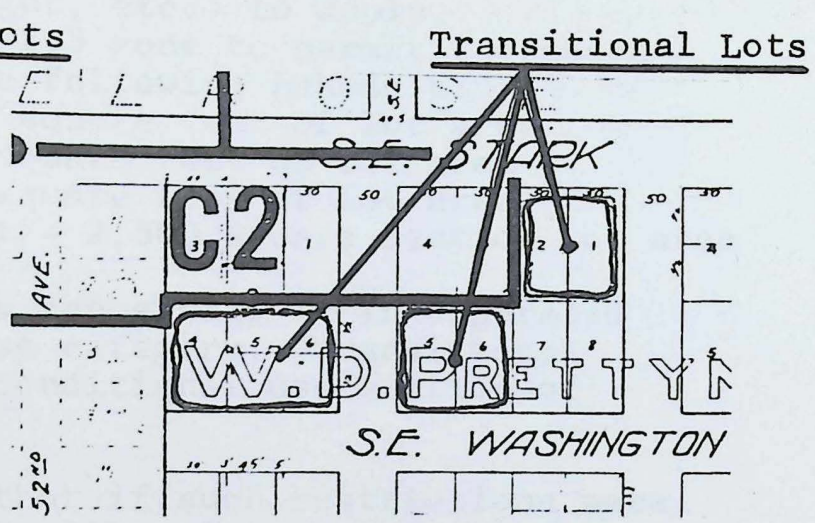
A second shortcoming (in staff opinion) is the way in which lots acquire elligibility for the transitional use density bonus. As originally conceived, the density bonus was to apply only to residential lots in which the side of the lot abutted the C or M zone. The purpose was to limit the density bonus to those lots which abutted and oriented to the same street as the C or M activity. Since corner lots can be developed with orientation to a street other than the business street, they were not given transitional rights. Corner lots, by definition, had two front and two rear lot lines - no side line - and transitional use bonuses applied only when the side of a lot abutted the C or M zone. About a year and one-half ago, in an effort to solve a recurring problem with front yard fences on corner lots, the definitions were changed so that every corner lot now has a side line - the longer side in the case of a rectangular lot and, in the case of a square lot, whichever line the owner chooses.

The inadvertent result of this definition change was to give transitional status to any square corner lot which abuts a C or M zone. Since the typical platted lot in Portland is 50' x 100' the agregation of two such lots on a corner abutting a C or M zone results in a density bonus quite different from the original intent of the Code. The example below (at 53rd and Stark) demonstrates the unintended result. It is estimated that this one definition change approximately trippled the amount of residential land eligible for the transitional density bonus.

PREVIOUS APPLICATION



PRESENT APPLICATION



The net result of these two shortcomings, 1) much too great a density bonus in zone A-2.5 and, 2) transitional use eligibility applied to far too many lots, is, in the opinion of the staff, the real problem with transitional uses - not the concept itself.

The staff does believe that, even as originally intended, the transitional use provisions are somewhat over generous. The transitional use area extends for a distance of 100' into the R or A-2.5 zone. In the case of an R zone this is interperted to mean that if two 50' x 100' lots are aggregated to form one "lot", two duplexes could be built. It appears that, under some circumstances, this could provide economic justification to demolish a single family house for the sake of the land. The staff believes that it would be more desireable to limit the density bonus in the R zones to no more than one duplex dwelling. It seems likely that for it to be economically justifiable to demolish a house in order to erect one duplex, the house would be beyond reasonable renovation. On the other hand, the possibility of converting a single-family house to a two-family dwelling could well be the incentive needed to forestall the final deterioration of some aging houses.

In the case of transitional use provisions in the A-2.5 zone, the staff believes that, while there may be less justification for a bonus provision in order to stimulate utilization of the lot (it can already be used for the construction of apartment units), there is benefit to be gained in achieving a density gradation from the A-1 density permitted in the C-2 and M-3 zones to the 2,500 square feet per unit permitted in A-2.5. The

previously used straight 1,200 square feet per unit, however, does not work well on small lots. Even A-1 has been amended to allow no more than a three unit apartment on a 5,000 square foot lot. The staff believes that a sliding scale (like A-1 but of lesser density) may be most effective.

Conclusions:

The staff recommends greatly reducing, but not eliminating, the transitional use bonus incentive, as discussed above, by:

1) Reducing the bonus in any R zone to no more than one two-family dwelling. All other requirements of the R zone (yards, building height, etc.) to apply.
2) Reduce the bonus in the A-2.5 zone to permit increased densities according to the following schedule:
   Three units - 5,000 square feet of lot area
   Four units - 6,500 square feet of lot area
   Five units - 7,500 square feet of lot area
   Each additional unit - 2,500 square feet of lot area

These recommended bonus limits can easily be incorporated into regulations covering a new use category, "Transitional Apartments" and listed under the conditional use section of each R zone and the A-2.5 zone.

The staff suggests, however, that if such restrictions were simply substituted for the current, liberal transitional use limitations, there may be no need to add the additional time and energy consuming conditional use procedure. The restrictions proposed are more restrictive than those that operated for the first nine years of the Zoning Code - before the transitional use densities for A-2.5 were changed to the full density permitted in zone A-1. Neither Planning Bureau staff nor Bureau of Building staff recall any aparent problem having been generated by transitional uses prior to that amendment and the later amendment which modified lot line definitions.

Limited "Grandfather" Provisions:

The staff has also reviewed two possibilities for a limited "grandfathering" of the transitional use bonus provisions: 1) to grant "grandfather rights to property which, at the time the amendment becomes effective, is vacant, and 2) to grant "grandfather" rights to the owners of property personally, such rights not to run with the land.

Possibility #1 is intended to prevent transitional bonuses from becoming incentives to demolish existing single-family housing in order to construct new multiple-family housing. It manages, however, to raise a great number of questions for which the staff, as yet, has no proposed answers. For example, what constitutes vacant property? Are lots containing only an accessory building such as a garage vacant? What about a lot with a derelict building which should be removed? What about a lot with a nonconforming building or use? An uncompleted structure?

Possibility #2 is intended to recognize that certain owners of transitional property undoubtedly purchased their property with knowledge of the transitional density bonus and with the intent of constructing housing accordingly. The thought was that these persons deserved some measure of reliance on the laws of the City. The problems of such an approach are many, particularly when it comes to simply determining the legal ownership of several thousand parcels of property at one particular cut-off date. There are unrecorded deeds and contracts, options to purchase, lifetime trusts, multiple ownerships, less-than-fee ownerships, etc. that complicate the picture endlessly. That is not to say that the problems are unsolvable but it is aparent that they would represent an administrative headache.

The initial review of the two approaches to limited "grandfathering" seemed to indicate that the implementation of either would represent an expensive undertaking insofar as determining the current status of property with accuracy is concerned as well as in developing a system of record keeping that would permit relatively error-free administration. Discussions with staff members in the Bureau of Buildings and the City Attorney's Office reinforced these concerns.

The staff recommends that, should the Commission decide to recommend elimination of the transitional use provisions from the Code, it be a complete elimination with no attempt to soften the results through a limited "grandfather" provision.

Recommendations:

In light of the above, the staff recommends:

1) Retention of the transitional use bonus concept in the Code, but with far more restrictive provisions than the Code presently provides. Attached are the appropriate amendments that would achieve the limitations described on page 4 of this report.

2) Should recommendation #1 be unacceptable to the Commission, the staff recommends complete elimination of any transitional use bonus provision from the Code.

3) Only should the Commission find recommendation #1 unacceptable but believe that some transitional bonus provision should be retained does the staff believe that such bonuses should be considered as conditional uses. The staff can find little purpose to be served by the conditional use procedure that would not be equally well served by the normal zone change process. However, the same kind of limitations suggested in recommendation #1 could equally well be written into the conditional use provisions should the Commission desire.

Amend R20 Zone Transitional Uses

33.20.130 Uses Permitted. On a lot, not exceeding one hundred feet in width, where the side of such lot abuts a C2, C1, M3, M2 or M1 Zone, a two-family dwellings ~~are~~ is permitted.

33.20.140. Lot size required. The minimum lot area shall be ten thousand square feet per dwelling unit.

33.20.~~140~~ 145 Other regulations. Parking, lot size, yards, and all other regulations applicable to principal uses in R5 R20 Zones shall apply.

Amend R10 Zone Transitional Uses

33.22.130 Uses Permitted. On a lot, not exceeding ~~one hundred~~ eighty feet in width, where the side of such lot abuts a C2, C1, M3, M2, or M1 Zone, a two-family dwellings ~~are~~ is permitted.

33.22.140 Lot size required. The minimum lot area shall be five thousand square feet per dwelling unit.

33.22.~~140~~ 145 Other regulations. Parking, lot size, yards, and all other regulations applicable to principal uses in R5 R10 Zones shall apply.

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Amend R7 Zone Transitional Uses

33.24.130 Uses Permitted. On a lot, not exceeding ~~one hundred~~ seventy feet in width, where the side of such lot abuts a C2, C1, M3, M2 or M1 Zone, a two-family dwellings ~~are~~ is permitted.

33.24.140 Lot size required. The minimum lot area shall be thirty-five hundred square feet per dwelling unit.

33.24.150 Other regulations. Parking, yards and all other regulations applicable to principal uses in ~~R5~~ R7 Zones shall apply.

Amend R5 Zone Transitional Uses

33.26.130 Uses Permitted. On a lot, not exceeding ~~one hundred~~ fifty feet in width, where the side of such lot abuts a C2, C1, M3, M2 or M1 Zone, a two-family dwellings ~~are~~ is permitted.

33.26.140 Lot size required. The minimum lot area shall be twenty-five hundred square feet per dwelling unit.

33.26.~~140~~ 145 Other regulations. Parking, lot size, yards, and other regulations applicable to principal uses in ~~A2.5~~ R5 Zones shall apply.

Amend A2.5 Zone Transitional Uses

33.30.140 Uses Permitted. On a lot not exceeding ~~one-hundred~~ seventy five feet in width, where the side of such lot abuts C2, C1 or M Zones, apartment dwellings are permitted with a minimum lot area as ~~specified in Section 33.32.050 (a), (b) and (c)~~ follows.

three units - 5,000 square feet of lot area

four units - 6,500 square feet of lot area

five units - 7,500 square feet of lot area

33.30.150 Other Regulations. Parking, yards and all other regulations applicable to principal uses in ~~A1~~ A2.5 Zones shall apply.

PORTLAND CITY PLANNING COMMISSION
OCTOBER, 1975 MEETING

AGENDA 408

TUESDAY, OCTOBER 7, 1975

MEETING LOCATION:

Room 200, City Hall Annex
424 S. W. Main Street

TIME OF MEETING:

12 Noon

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 408
Tuesday, 7 October 1975
Room 200, City Hall Annex
424 S. W. Main

FROM 12 NOON TO 1:00 P.M.

Commission Members' lunch, followed by the Planning Director's Report. (Open to the public, but not a hearing.)

DIRECTOR'S REPORT

1. Housing Assistance Plan

2. CRAG Land Use Criteria and Map

AFTER 1:00 P.M.

APPROVAL OF MINUTES

3. Planning Commission Minutes..... 16 July 1975
22 July 1975
7 August 1975
8 September 1975
9 September 1975

4. Zoning Committee Minutes..... 12 August 1975
21 August 1975
9 September 1975

COUNCIL ACTIONS

5. City Council actions on Planning Commission matters.

ITEMS FOR ACTION

6. CU 55-75, Office in AO zone; American Red Cross, applicant, 4217-19 S. W. Kelly near Bancroft.

7. 6445, Zone change request from R5 to A2.5, petitioned for by Wirthmore Homes for property at 1124 N. E. 57th Avenue; and Normandale Study.

8. Code Amendment Regarding Accessory Uses in AO Zones.

9. Downtown Development Regulations.

MR. ROSE'(CONTD):
there's all kinds of people to please and diversity is going to do a better job of pleasing all the people. So that if we have allowances this way or that way, we're in better shape, particularly since we've got a Design Review process and if we can compromise on what we're trying to meet as an objective as far as getting business on the street, show windows on the edge of the sidewalk, and also open plazas, we going to really come up with a better mix.

MRS. GUSTAFSON:
But Design Review never tells anybody they have to do anything.

MR. ROSE':
Oh.

MRS. GUSTAFSON:
If it's flexible, they're flexible.

MR. GOODELL:
Can I ask a question. I'm looking at Map 22 and it says Staff Recommendations: Required Building Lines, Limitation of Blank Walls, and Required Rain Protection and I look at all the lines and are we implementing building lines, limitation of blank walls, and rain protection uniformally in the same configuration.

MR. HARRISON:
That's the staff's recommendation.

MR. GOODELL:
O.K. I'd like to then say that based on meetings, a series of meetings,that the business community held, we support the required building lines in certain areas. We support limitation of blank walls, I think,most universally in the downtown, and they support rain protection in certain areas as being required. Now, it's a matter of where.

MR. HARRISON:
Right.

MR. GOODELL:
O.K., and I guess what I'm saying is that the language that I see in the staff recommendation that I've been able to look at so far. I don't really have any quibble with it. I think the language is good. Then it's a matter of where to put that in. I'm not certain that building lines,

MR. GOODELL(CONTD):
limitation of blank walls or required rain protection need to march all to the same drummer.

MR. SHELDON:
No, I agree.

MR. GOODELL:
What I strongly like to suggest is that they be given some staff time to review.

MR. SHELDON:
I agree. I don't think we really should unhinge the map from the discussion. If we don't, I think we're going to spend two meetings arguing about the map before we even know whether we've got a viable adopted concept.

MR. O'HISER:
I think I should just mention what the intent was to combine it all on one map. Ernie felt that if the overall goal is to enhance the environment for the pedestrian, that we should pick those areas where pedestrian traffic is most intense, the retail core and the major pedestrian ways only. It is sort of cutting back from what Blayney had said but it was an attempt to simplify and all three of these items--I had a question myself about the Southwest Park Blocks whether or not we'd have rain protection there.

MR. SHELDON:
I'd like to suggest, if I could, that we discuss just the philosophy and unhing the map issue for just a moment. I think there are lots of complexities in the map that will require a lot of review and I think some testimony. But there really seems to be somewhat of a basic question of the philosophy and we probably should subject that to a vote so the staff knows where we stand on it. Now, I think my feeling is, personally, that obviously I am in favor of the concept--I think personally that 75 percent is a compromise position that is reasonable. I have a little more trouble with what I think is getting arbitrary when we start getting into the 40 and 20 and so on and the intent here could be served by a single story, in my opinion, and I could see a very viable concept where you had a single story of shops and you might then have a plaza on top of that for a commercial building and it would meet, I think, the intent of Blayney's concern. I don't see anything wrong with that personally.

MR. WESSINGER:
Are you thinking of the Fourth street floor of the Georgia Pacific Building.

MR. SHELDON:
Right. That's an example. That doesn't bother me at all. I think it does what he wants. It gives the shopper commercial access, visability, all the rest, and the fact that somebody else capitalizes on some greenery above your eye, whether it's twenty feet up or forty feet up, is academic and I think to have those kinds of things, that minutia spelled out at this point, is asking for trouble.

MR. O'HISER:
I think also with Rowland's wind problem unless the wind is also created by the vertical wall of the...

MR. ROSE':
Well, I think Bing's point is well taken that forty feet to me is ridiculous. I think we should have "not less than one story". I wouldn't put feet in there; just "not less than one story".

MR. SHELDON:
I agree.

MR. WESSINGER:
I think this and the question is exactly how you want the last portion of this, if you're talking about between one and two whether or not, you're talking about variations by the Design Review Committee, etc., etc., etc.

MR. SHELDON:
My feeling on that is that if you get rid of all the guck on the vertical dimensioning and just state it as a story, and just keep the 75 percent and keep it as simple and neat and orderly, forget about any kind of modifications for those standards by Design Review and just make it simple, sweet and understandable.

MR. ROSE':
Would you buy 50 percent, Bing.

MRS. GUSTAFSON:
No.

MR. SHANNON:
Bing, I don't think that's what was intended because if you look at the original draft, what you're seeing is plazas may be enhanced by Design Review and variations I thought was to be a broader concept in plazas as to design, not to the specific qualifications but that you might come up with a brand new plan.

MR. SHELDON:
O.K.

MRS. GUSTAFSON:
Yes, that's right.

MR. SHELDON:
I'd like to encourage diversity, don't get me wrong.

MR. WESSINGER:
Bing, I would move that the staff bring back what I suppose, if this motion passes, would be a consensus along those lines.

MR. O'HISER:
That would leave the Design Committee in.

MR. SHELDON:
Yes.

MR. WESSINGER:
But on a general basis rather than on a specific or just these particular deals.

MRS. GUSTAFSON:
What is this 75 percent.

MR. SHELDON:
75 percent would be the--75 percent of the frontage, is the way I would interpret that.

MR. ROSE':
That is based upon a certain block in the city and I really think if you take a look at some of the blocks, you'll find that 50 percent might be a better minimum.

MRS. GUSTAFSON:
Is it the frontage of the whole building?

MR. SHELDON:
It would be the frontage on the street which is finally going to have a line drawn out on a map. You might have a block that has a line on one side only or two sides or three sides and the fourth side wouldn't have any and in that situation the man would only be required to come up to 75 percent on those sidewalks that have a heavy line on them.

MRS. GUSTAFSON:
O.K., what I have trouble seeing is--does 75 percent essentially mean that all that a person, a building could be is have a cutout for 25 percent. If you're going to be 75

MRS. GUSTAFSON (CONTD):
percent next to the sidewalk, how can you not be 100 percent next to the sidewalk.

MR. SHELDON:
Let's assume you have a building that sits up on a podium, O.K., and only in this case the podium is all commercial, only the building owner desires a monumental access to his plaza and what this is saying is that he can have--if it's a two hundred square foot block--he can have 25 percent of that for his monumental stair which is not a window, it is not a shop, it is nothing, but he can't have 50 percent of it for that monumental stair. That's really what it boils down to. I don't have any trouble with 75 percent.

MR. O'HISER:
It still isn't clear whether you might delegate to the Design Committee the opportunity to increase or decrease the percentage here.

MR. ROSE':
I'd like to argue a tiny bit for 50 percent primarily because I believe that if you take a look at some of blocks in the city, there are cases where 50 percent would give you very level, steep, steep, so that you can get two sides but the other two are flush almost with the plaza.

MRS. GUSTAFSON:
But that's what Design Committee would do.

MR. ROSE':
But it says, "not less than", you see. And if you put "not less than 50 percent" then you're going to take care of more blocks in the downtown that might have this problem. That's my only reason for doing it.

MR. WESSINGER:
I'd like to see it brought back--we might still argue about this point. And I still move.

MR. ROSE':
I'll second your motion.

MR. SHELDON:
I think we're close to some consensus I would assume and the disagreement now would be, assuming the motion passes, on how much authority is delegated to the Design Committee and the 75 percent, whether the Design Committee would have a right to reduce that, and I guess at this point we're saying, why don't you make a recommendation.

MRS. GUSTAFSON:
Why don't you draw a couple of 50 percent and a couple of 75 percent.

MR. SHELDON:
You might be prepared to illustrate it on the blackboard.
Is there any further discussion? Any public comment.
Call the roll.

ACTION: The roll was then called on the motion by Mr. Wessinger, which was seconded by Mr. Rose, that Section 33.56.140 Required Building Lines be referred back to the staff for rewording to make the language simpler and more concise; to consider the wording "not less than one story" in lieu of the language "not less than 40 feet in height" in the second sentence of 33.56.140 (2); and a response to the question about how much authority is delegated to the Design Review Committee relative to variation from the 75 percent figure in (2).

Ayes: Sheldon, Gustafson, Barnett, Rose', Roso, Shannon, Wessinger.

Nays: None

Motion carried unanimously.

MR. WESSINGER:
Moved we adjourn.

MR. SHANNON:
Second.

There being no further business, the meeting was adjourned at 10:40 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

ERB:eb

PORTLAND CITY PLANNING COMMISSION
Minutes of Meeting
7 October 1975

The regular meeting of the Portland City Planning Commission was held 7 October 1975 in Room 200, City Hall Annex, 424 S.W. Main Street, at 12 Noon.

Present: Planning Commission: Sheldon, Gustafson, Barnett, Katz, Minden, Roso, Shannon, Wessinger
Staff: Bonner, Martin, Mazziotti, Vail, O'Hiser, Williams, Bissonette

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DIRECTOR'S REPORT

Housing Strategy Plan

CRAG Land Use Criteria and Map

ITEMS FOR ACTION

CU 55-75, Office in AO zone; American Red Cross, applicant, 4217-19 S.W. Kelly near Bancroft.

6445, Zone change request from R5 to A2.5, petitioned for by Wirthmore Homes for property at 1124 N.E. 57th Avenue; and Normandale Study.

Code Amendment Regarding Accessory Uses in AO Zones.

Downtown Development Regulations.

Housing Strategy Plan

Mr. Bruce Martin, Bureau of Planning staff, introduced to the Commission and presented a progress report on the Housing Strategy Plan. He stated that the staff is now in an inventory stage, and they will have shortly a housing market analysis. He stated that they have put together three citizen involvement groups; one, a task force which is made up of members of neighborhood organizations; two, a housing coalition group which is made up of representatives of special

interest groups, i.e., OSPERG, League of Women Voters; and three, a producer group which will be made up of lenders, contractors, developers and insurance people. Mr. Martin stated that there will be interim reports along the way and a first draft report sometime in November. Mr. Mazziotti stated that the Housing Strategy Plan is a part of the Bureau's work towards complete development in the comprehensive plan.

CRAG Land Use Criteria and Map

Mr. Donald F. Mazziotti, Bureau of Planning staff, stated that CRAG has proceeded toward the end of developing a regional comprehensive plan. He stated at this time the comprehensive plan has two major components, one of which are the goals and objectives. He stated once the goals and objectives are accepted by the Board of Directors, they will become, in effect, statutory law for the region, just as LCDC goals are statutory law for the state. Then petitions and appeals with respect to planning actions taken by member jurisdictions will be measured not only against LCDC goals but against CRAG goals and objectives. He stated that the goals and objectives attempt to set the value framework for the region in terms of where it's headed in the future and what kinds of options is it looking at and what does it view itself as.

Mr. Mazziotti stated that the Commission is expected to come back to CRAG with a written response by October 20th. He stated that it would be appropriate for the Commission to send back comments to CRAG and in addition to suggest that that should not preclude further comment in the future and that the Commission might consider asking for an extension of the 20th deadline. He did state, though, that the goals and objectives will go to the Board of Directors in November at which time the Board is expected to release them for official public hearings, as is required under Chapter 7.69 which created CRAG. Once it goes through the public hearing stage it goes back through the CRAG Board for adoption.

Mr. Mazziotti stated he was present today to solicit the views of the Commission to report back to the CRAG Community Development Committee. Mr. Mazziotti also stated that there was no one present from CRAG to defend the document.

The Commission then discussed the goals and objectives in general.

Mr. Katz stated that perhaps we don't want to go after labor intensive industries where the cost to the community may exceed

the benefits. Mr. Katz stated there is the assumption that people without jobs will gravitate to communities where there are employment opportunities. He stated he was not here to build a wall around this region to keep people out or keep people in and that's why the retention thing disturbed him; that as a matter of policy he was not sure that he'd want to interfere with natural forces.

Mrs. Gustafson stated that the goals and objectives implied scattering of industry and she felt that that was inefficient and contradictory to the transportation goals.

Mr. Katz stated he was offended by this kind of platitudinous junk, referring to the goals and objectives. He stated the objectives were ridden with cliches, chestnuts, and euphemisms that it's all things to all men.

Mr. Wessinger stated that he had great trouble with the economic and energy objectives because he felt you couldn't take them and come up with a policy that would mean anything because they could be read anyway you want to read them.

Mr. Sheldon wanted to discuss the notion of "carrying capacity" and stated that that is the sort of denominator which in the future will come along.

Mr. Katz stated that it only appears in two places and then in the most inconspicious places, and that he was offended by "carrying capacity" for technical reasons. Mr. Sheldon stated that the assumption is that it will be the arbitrator at some point in the future between priorities.

Mr. Mazziotti stated that the reason it appears at all is because the LCDC used it in its goals and guidelines as a central thread which allegedly bound that groups of goals together with something called "carrying capacity" which grew out of the fact that the Pacific Northwest Region used the term in Economy and Ecology, the report which was used heavily by LCDC and that it's been a gradual shifting down of a term which cannot be defined. Mr. Mazziotti stated that the primary reason that "carrying capacity" was in the goals and objectives was to satisfy LCDC.

Mr. Sheldon stated that isn't the basic issue that you either prioritize now or you look for some golden yardstick by which you will later prioritize; that it's always easier to put it off until later and that he suspected that the reason most people are interested in putting it off is because they would rather not solve the problem now. He

went on to state that from the gist of the comments from the Commission that they would probably prefer that it be battled out now. He stated that politically that may not be realizable so maybe we'll have to wait for the golden yardstick, but if CRAG is going to say that they'll devise a mechanism which will sort out all these things and prioritize them, then he personally had a great deal of suspicion in something which we call "carrying capacity" because in establishing priorities there are going to be things that we have nothing to do with, that it's going to get into economics. Mr. Mazziotti interpreted Mr. Sheldon's statement as questioning the ability of that concept to prove of any utility and asking for a trade-off mechanism or standards to be established when there is a conflict.

Mrs. Gustafson queried if there is ever going to be a sophisticated trade-off mechanism in "carrying capacity" and that she felt a trade-off could not be found; that we should deal with specific alternative futures and have people chose between them.

Mr. Katz agreed with the notion that there should be alternative planning. He suggested that suppose the population of the region in the year 2000 is one million, or suppose it's a million and a quarter, or suppose it's a million and a half or two million, or two and a half million, and that for each of those supposed populations there is probably an optimum plan, a best of all possible ways to configure the way the transportation is going to operate, housing can be situated and where industry is going to be located, and how we would like our region to look under each of those sets without saying this is the set that we're going to be planning for because if we are wrong, and we plan for only one set, we may be making irreversible decisions that are not going to sit well with some of the other scenarios that could just as easily materialize.

Mrs. Gustafson asked if CRAG was coming in with only one proposed map. She felt the Commission should be insulted that they gave only one option to the people making the decisions; that if there are all these implied options, then there ought to be more than one proposed map.

Mrs. Gustafson stated that the Commission should state very strongly that CRAG should cost out what they've talked about with respect to the basic services that have to be provided for any kind of population, or for an urban area assuming a certain kind of net density and that those be specified and that we make absolutely certain in planning that there is that fiscal capability; that they should also give alternatives.

Mr. Katz stated that he would like to see it costed out but not in terms of public revenue or tax bases alone, but that there are other costs that should be evaluated.

Mr. Katz also stated he had a problem with the energy conservation objective. He stated that it should be made uniform with the rest of the document; that we say instead of decrease the dependence on fossil fuel, that we optimize use of fossil fuel energy, optimize hydroelectric energy, optimize use of nuclear energy and optimize the use of energy derived from alternative sources because that is really what we want to do. He stated that he didn't want to minimize or maximize any of those because those are technical questions that are going to be resolved ultimately in an environmentally acceptable fashion but the answers are not at all clear cut at this stage of the game and there is a great deal of ambiguity and conflict in the scientific community over which way to go; that there should be no ordering of assignment of importance in terms of development.

Mr. Sheldon suggested that Mr. Mazziotti assemble a draft letter, send it to each of the Commissioners for review and comment and try to get it to CRAG by the 20th. Mr. Mazziotti asked if the Commission wanted an extension of the deadline. Mr. Sheldon stated it seemed to be logical to request a deadline.

CU 55-75, Office in AO Zone; American Red Cross, applicant, 4217-19 S.W. Kelly near Bancroft.

Mr. Vail stated that since the referral by the zoning committee, the applicant had retained an attorney. He stated if the Commission took up the item, the Commission would be getting into issues that are really part and parcel of the Corbett/ Terwilliger Plan itself and that perhaps the Commission should defer this item until after the hearing on the Corbett/ Terwilliger/Lair Hill Plan which is to be held on October 16th.

Mr. Sheldon asked the applicant if they would have any objective if the item was deferred until after consideration of the Corbett/Terwilliger Plan.

Mr. Dean Gisvold, attorney for the applicant, asked if the Planning Commission would make a decision on the 16th, that he felt it was probably not likely, and will be carried over; and that the Red Cross would be left in limbo until that decision was made.

Mr. Sheldon then asked the applicant if the request were to be placed on the next regularly scheduled agenda, would that be an extreme hardship for the applicant.

Mr. Gisvold replied that it would not.

Mrs. Roso suggested that Zoning Committee B could hear the request on October 28th at its zoning committee meeting. Mr. Vail stated the reason it was deferred by the zoning committee was because they felt this was a policy decision for the full Planning Commission rather than a zoning committee.

Mrs. Gustafson stated it was deferred because the Corbett/ Terwilliger Plan had not been heard, and that it wasn't deferred because it wasn't a regular zoning matter.

ACTION: Mrs. Roso made a motion that the Commission defer CU 55-75 to the Committee B Zoning meeting of October 28, 1975. Mr. Barnett seconded the motion.

Ayes: Sheldon, Gustafson, Barnett, Katz, Minden, Roso, Shannon, Wessinger

Nays: None

Motion carried unanimously.

MINUTES

Planning Commission.....16 July 1975...Approved
22 July 1975...Approved
7 August 1975...Approved
8 September 1975...Approved
9 September 1975...Approved

Zoning Committee.....12 August 1975...Approved
21 August 1975...Approved
9 September 1975...Approved

COUNCIL ACTIONS

Mr. Vail reviewed the Council Actions with the Commission.

6445, Zone change request from R5 to A2.5 petitioned for by Wirthmore Homes for property located at 1124 N.E. 57th; and Normandale Study.

Mr. Vail stated that this was continued from the September regular meeting at the applicant's request because he was trying to solicit support for an area-wide zone change of the neighborhood.

Mr. Cary Royer, representing Wirthmore Homes, 5605 E. Burnside, stated he had sent out letters explaining the situation and asking the neighborhood if they were in favor of a zone change. He stated that many of the residences were owned by absentee landlords; that he had received five affirmative answers and had received no response from the rest of the block.

Mrs. Gustafson suggested that the response the applicant received is the response that he will get and that if people wanted it rezoned they would have let him know. She therefore felt that the Commission should proceed with the hearing of the case. The Commission concurred.

Mr. Vail presented the staff findings and recommendation, as follows:

Findings: R5 is a single-family residential zone; A2.5 is a low-density apartment zone. A variance would be required to reduce the lot area from 5,000 sq. ft. to 4,750 sq. ft. in order to build either a single-family dwelling (R5) or duplex (A2.5).

The dwelling on the site has burned down, and the site has been cleared.

To the north are single-family dwellings and a few nonconforming uses. To the east are single-family dwellings. To the south are nonconforming one-story apartments. To the west is Normandale Park.

On August 29, 1975, the City Council adopted the Planning Commission recommendation of denial for a zone change request for apartment zoning on Lots 23 and 24, Block 4, Normandale, 1055 N.E. 58th Avenue. There has been substantial structural restoration of the dwelling after the denial.

N.E. Hassalo between N.E. 58th and 60th Avenue is being improved to City standards.

Recommendation: Denial. Although there are a number of nonconforming multi-family units in the area, there does not appear to be sufficient justification for changing the zone.

Mr. Royer stated the people in the area didn't seem to care whether the zone was changed since the response to his inquiry showed there was a general apathy about it. He stated the Commission at the last meeting was concerned about other zone change requests in the block, but pointed out that his survey showed there wasn't much of a feeling for that.

Mr. Vail stated that there had been no justification on the basis of public need for the zone changed presented by the applicant.

Mrs. Roso stated that there was a need for all kinds of housing and that the character of the neighborhood should somehow determine the housing that belongs in that neighborhood, and that this particular block does have a mixture of uses on it. She didn't feel that it would do any harm to the neighborhood and that it would be filling a public need in terms of housing.

MOTION: Mrs. Gustafson moved that the zone change request be denied. Mr. Wessinger seconded the motion.

Mrs. Gustafson stated it should be denied in the face of a lack of ground swell of neighborhood feeling for the overall change and on the basis that it would be spot zoning.

Mr. Minden stated he felt that it would almost be the other way. He said it might be the best argument in the world to allow it because there was no opposition.

Mr. Katz stated that there is no hard and fast rule that spot zoning is illegal.

Mrs. Gustafson stated that her motion was not based primarily on the legal matter but that it is a bad planning policy to put the argument of increased density in one place unless it is good for a broader area than one lot.

Mr. Katz stated there had been no demonstration that there was a public need.

Mr. Sheldon stated that to make the assumption that because nonconforming uses exist that you ought to legitimatize

those by changing the thing in the middle, he felt falls apart. He stated furthermore that to legally change one lot in this block would be a mistake and not supportable legally and that the number of single family residences in the block outnumbered the nonconforming uses considerably and that he felt that if the Commission changed the zone on the block, that what would happen over the next few years is that all those single family houses would convert to duplexes and asking for that kind of a change in a neighborhood that may or may not be going through a transition is clearly not in the interest of public policy as the Commission is espoused.

Mr. Shannon stated he felt that in the long run the Commission ought to see duplexes as a conditional use in R5.

Mr. Minden stated he was going to vote for the motion because he felt it was definitely illegal, but he did feel, though, that if it did not form a spot zone, it would be a good thing for the neighborhood.

ACTION: Ayes: Sheldon, Gustafson, Katz, Minden, Shannon, Wessinger

Nays: Roso

Motion carried.

Code Amendment Regarding Accessory Uses in AO Zones.

Mr. Vail made a staff presentation and recommendation as follows:

The First National Bank of Oregon has applied for permission to convert an existing 208 sq. ft. conference room to a bank facility on the second floor of the Terwilliger Plaza, Petition 6466R, located in Zones AO and AOD.

Discussion

Business and service enterprises for the convenience of apartment residents and hotel or motel guests are permitted in Zone AO as a Type 6 accessory use under Section 33.34.180. The regulations are precise in the uses permitted and does not list a bank as one of the uses. Furthermore, the regulations allows no interpretation for similar types of uses as listed.

Professional or business offices are permitted in Zone AO as a conditional use under Section 33.34.360. The staff

felt that banks could not be interpreted as business offices because elsewhere in the code they are listed separately from business offices as follows:

1. In Zone C4 (local commercial) business or professional office is listed as a permitted use while banks or other financial institutions are not listed.

2. In Zone C2 (general commercial), banks, loan companies, or other financial institutions are listed separately from offices, business or professional.

Recommendation

Therefore, for the convenience of administration, the staff is proposing an amendment to the code to allow an interpretation for uses permitted as an accessory use in order to permit uses other than the ones listed which are clearly for the convenience of apartment residents as this proposed use demonstrates.

Recommended Amendment

Section 33.34.180 (1)

L. Other uses of a business and service nature found similar to the above in accordance with Section 33.114.030.

Mr. Wessinger stated at this point that he was not sure whether he had a conflict of interest or not. He did state, though, that the Commission ought to consider the amendment carefully because the trend is going to be toward the type of operation that the First National Bank of Oregon is proposing, both free standing and with no employees in some cases, and are going into shopping centers and things like AO zones.

Mrs. Gustafson stated that she understood the amendment would not be applicable to anything that would attract people other than the people who were already there.

Mr. Shannon stated he had a problem with using the language "Other uses...similar to the above...." He stated that banks are not similar to the uses listed in 33.34.180(1), and didn't believe there was a control.

Mr. Vail pointed out that the intent is that it is primarily for the use of the residents of the building.

Mr. Shannon stated that that was not how he interpreted the intent, that it is open, and the only way we know it is for those people in the building is 1) it is an accessory use and 2) that there is pedestrian access only through an interior hall.

Mr. Vail stated that in the past they have not used a specific request as the purpose for amending the code and that usually it's a request that points out a policy and that what the staff is saying is that there are other things similar to the bank which are small in nature, that are primarily for the use of people in the AO residential use building which should be accessory uses and if we could say they were similar to the smaller type things that are there now in the code, there would be some procedure available to evaluate what they are as they come in and if they are felt to be too intensive, they would not be permitted.

Mr. Katz stated he felt there was a loophole because the code does not state that the accessory uses are for the primary use of the people in the building.

ACTION: Mr. Katz moved that the staff report be adopted and further that the Commission recommend an amendment to the zoning code, Section 33.34.150, under Type 6. The recommended code amendments are as follows:

33.34.150, Type 6: Business and service enterprises primarily for the convenience of apartment residents and hotel or motel guests.

Section 33.34.180(1)

L. Other uses of a business and service nature found similar to the above in accordance with Section 33.114.030.

Mr. Barnett seconded the motion.

Ayes: Sheldon, Gustafson, Barnett, Katz, Minden, Roso, Shannon

Abstention: Wessinger

Nays: None

Motion carried.

Downtown Development Regulations

MR. O'HISER:
Before we go ahead, I do, at the risk of variating you further, have one more item to pass out. It's kind of an interesting thing about what your fellow people in Vancouver--a very similar battle regarding development regulations.

MR. SHELDON:
Do you intend to stick to the discussion agenda that you outlined here.

MR. O'HISER:
Well, I was kind of playing it by ear depending on what your anticipated adjournment was. What I would like to do--Ernie had suggested that we revise the agenda to cover progress report items first.

MR. SHELDON:
That you do what?

MR. O'HISER:
That I revise the order and therefore we would skip Design Review momentarily where I think there will be extensive discussion to the extent of staff presentation and maybe audience participation. So, the first item then that I would address would be that of building height limits. I just have the one piece of paper with a map attached regarding the subject but added to that is a very recent letter from the Portland Development Commission, their attorney, and I'll explain that to an extent and Mike Cook is here from the Development Commission when we get into this. I think you're probably going to feel as if you're taking two steps forward and one step back or maybe even visa versa on this but the staff has attempted to double check what has transpired up to now to see whether or not it is consistent with other regulations that are already in force. Before I get into that particular point I would like to first, a comment and invite discussion on the matter that was brought before you a couple of hearings ago and that was the question of impact of the skyline or building development on the West Hills and we had some work for us which illustrates--the lower drawing is the existing development in downtown Portland and the West Hills beyond. The middle diagram illustrates the kind of development or the profile of the skyline that might ensue if buildings on opportunity sites, represented on the map--minimum potential, I believe it was, at 26,000 square feet per floor. The top is 16,000 square feet per floor. This shows a range,with fewer square feet per floor, of course, the buildings are going to be higher. And this is a total

MR. O'HISER (CONTD):
infilling of all of those potential sites that seemed susceptible to development. Staff's observation in looking at this, and we've given you a kind of zerox picture of this in your sheets there, staff's observation as a problem in the area is that of interest or perhaps concern would be where we've also suggesting floor area ratios--in the area where we've suggested floor area ratio of 15, in the north part of downtown, south of Burnside, and the other area where density shows up is in the tract that's near the Steel Bridge.

MR. KATZ:
Do I understand that anything that is white is new and if it appears in front of something that's dark here, it means that it's exactly in front of them as the viewer looks at it.

MR. O'HISER:
Yes. You actually don't get it continuously.

MR. KATZ:
Right.

MR. O'HISER:
It gives some impression about density and I believe that ex-State Treasurer Unander, apparently, was concerned about how new development would look and this was the only way to kind of fill in that.

MR. KATZ:
I can't understand why we can't get something even taller than what is shown there.

MR. O'HISER:
Well, that's the way it works out with those assumptions of square footage. Mr. Goodell, I think, would point out that what's being done these days is about 18,000 square feet per floor.

MR. MINDEN:
The tower there, is that U. S. National Bank.

MR. O'HISER:
The one behind the other hypothetical building, yes.

MR. SHELDON:
This represents the approach as viewed from the F.A.R. with no superimposed height limit, right.

MR. O'HISER:
That's F.A.R. controlled with the other variable being that the rein is square footage per floor.

MR. SHELDON:
Right, and we had quite a discussion about size of floor, I think, at that meeting and we did more or less conclude even though there was some discussion about the desirability of larger floor areas that there are at least with speculative office towers there's certain limits, at least as experienced in Portland today, and 18,000 is kind of a good average figure, I think, of what's been built to date.

MR. O'HISER:
One of the recent buildings built, it wasn't that, the Bank of California, but it's a very extraordinary situation and I don't think anyone would do that again.

MR. MINDEN:
Georgia Pacific is about 15,000 or 16,000 feet.

MR. O'HISER:
Yes, it's about 16,000.

MR. KATZ:
Why wouldn't anybody do that again. Is it uneconomical?

MR. O'HISER:
Well, there's a lot of elevator space--as far as service space used to begin with and especially so if you're going taller for that kind of status symbol here, needing elevator space and getting less space per floor, but somebody may want to reach the clouds.

MR. KATZ:
But using just those two criteria, 26,000 square feet, and 16,000 square feet, respectively, you cannot get any higher than the U.S. National Bank Tower, proposed. That seems to be the tallest of anything shown.

MR. O'HISER:
We're going to get into this in a moment, too, concerning the F.A.R. of 15. If somebody assembled a lot of land, and we don't have any control over how you measure a site, you could assemble three blocks and build in one corner and zero development on the rest.

MR. KATZ:
Not without our vacating a street or two.

MR. WESSINGER:
Rod, is that correct, because what that thing says is that the U. S. could go up as high as the First National.

MR. O'HISER:
It appears to be that but...

MR. WESSINGER:
Plus the fact that you've got the foundation is much lower than it actually is. I don't think that's right.

MR. O'HISER:
Well, I think it's probably your vantage point in the room but actually it's not.

MR. SHANNON:
Well, I guess the question raised is, we heard that the land goes at a elevation--as you go towards Burnside, you go down lower towards sea level.

MRS. GUSTAFSON:
That was the point of the 15:1, wasn't it.

MR. O'HISER:
There is a difference. There should be about seventy-five feet difference in the roof elevations--fifty foot ground plus the twenty-seven feet of floor.

MR. SHELDON:
It's clearly, in my opinion, not as tall as the First National building.

MR. WESSINGER:
I buy that but I didn't think it showed up smaller.

MR. O'HISER:
There should be seventy-seven feet shorter. I am not sure about the scale.

MR. SHELDON:
Seventy-seven feet shorter.

MR. O'HISER:
Yes, it's about fifty feet in the ground and two floors lower.

MR. SHELDON:
Do you by any chance,Rod,know what is the projected floor area size of the U.S. Bank Tower as it was presented was. Was it 16,000 or less?

MR. O'HISER:
I think it was less, but I don't recall the number.

MR. SHELDON:
It's not a large tower in terms of its base size.

MR. KATZ:
Can we assert from this that even without any type of specific height limitation at all we can accept anything in excess of what's shown there. Is that right? Certainly on the top illustration.

MR. O'HISER:
That's true but staff would like to go further and state something further on this that we are concerned that we don't allow through land assemblage or something that would allow...
For your consideration we are suggesting that there be a height limitation in that 15:1 area to maintain a profile.

MR. SHELDON:
Is that what is the significance of the line on this xerox sheet is, there's a line drawn.

MR. O'HISER:
That's an error on the xerox, it should have been a replica of the map.

MR. SHELDON:
There's a little horizantal line floating on the top of the building.

MR. BONNER:
It's a line that I drew. It doesn't signify anything.

MR. O'HISER:
Mr. Katz, I was trying to get back to an earlier point which I sort of alluded to is that this isn't the only way to kind of make a judgment about building heights, that the impact on the person on the ground is something which is kind of difficult to illustrate, that we had in previous meetings had suggested that the Georgia Pacific building is a pretty good model for Portland and that something in that neighborhood would be a building that is suggested as a prototype. I think I would like to jump to my third point on this sheet in that regard and that's where the staff is suggesting for your consideration,and I don't think action today, that there be a 450 foot height limit

MR. BARNETT:
What's your impression of the difference in actuality versus the hypothetical kind of thing here.

MR. WESSINGER:
Oh, the buildings along the waterfront would be in much greater scale and the stuff that's back farther would be in less scale.

MR. KATZ:
And you wouldn't see them, you know, when you look--the things that you see to the extreme right on a peripheral and the extreme left on the peripheral look quite different than you see there.

MR. O'HISER:
The staff came to this conclusion--first of all based on this assumption of 18,000 square feet per floor, so if we are to adopt some figure of this sort, we're going to start making it certain that that's the configuration of the building or the amount of square footage per floor. They won't be building sixteen, they'll be building, you know, little stockier buildings. So, that's one thing that's sort of built in in that kind of building. It's probably more like the GSA as far as what they're building now. I think we're looking at the build up that you see on the top drawing, the 16,000 square foot per floor figure, in that bank tower area and maybe one bank tower meets the urban design intent to have one orientation and the rest of the buildings on a more modest scale. So, the 450 gives you a substantial building in excess of the Georgia Pacific, which I was noting as a model.

MR. WESSINGER:
What's the height on the Bank of California. Any idea?

MR. O'HISER:
My inventory omits that.

MR. WESSINGER:
In the mid-four hundreds.

MR. SHANNON:
The formula that you're bringing up and first if we have 15:1 and you're going to get higher than what you've suggested, you have to accumulate three blocks, three opportunity blocks within an area and then you....

MR. O'HISER:
Well, that would be the most kind of excessive situation. I think even with using that 16,000 square feet figure at the top you start getting a build up there also. I was stating the most that might happen but I think even with development on half block parcels you start getting...

MR. SHANNON:
Didn't we cover that regulation later when we were talking about--I've forgotten that section that we talked about the definitions and what's adjacent and what's not a connecting, whether a street between would break it off.

MR. O'HISER:
That's true, you can't borrow by what you've decided, however, you can vacate and assemble.

MRS. ROSO:
Rod, on our sheet and I haven't compared, but at 16,000 square feet, you would tend to get the tallest building, however, on this sheet, 16,000 square feet makes it look much heavier, bulkier at the base than 26,000 does. I don't know whether you've got them backwards.

MR. O'HISER:
No, I mean at least--I did have it backwards earlier in the day but I got that straightened out--visually what seems to be the case as far as width is that they shouldn't be the same but the artist that depicted this did observe that there would probably be a desire to have your frontage--that you'd have your building oriented so you get a river view--so that the widths of buildings probably are similar in both drawings.

MR. SHELDON:
These are indicated as slab buildings, as opposed to point towers, as opposed to a square building. This is to illustrate, I think, the worst situation from this point of view it's been assumed that the building would occupy almost its entire block width and therefore it would be narrower.

MRS. ROSO:
I think that's just trying to sell your point and I'll consider that an observation in that vein. I don't believe that's necessarily true in the--Portland Federal certainly didn't come in with that kind of a plan.

MR. O'HISER:
It isn't a point tower; it does occupy the whole width of the block.

MR. SHELDON:
I think it is interesting to observe that in fact if you perceive that building from across the river, it would be 200 feet or very close to it, so, in fact, it would look like this. Because, if you recall, it had a blank west face of almost 200 feet in length and then it was pointed to the east.

MRS. ROSO:
At the same time you're assuming that there would be no development on the west side of the block, that because they couldn't have a view, they wouldn't build anything when in fact you might get the stock of your building with the greater expanse on the east side of the block and the taller building with this smaller square footage on the west side.

MR. O'HISER:
You mean on the single owner development or...

MRS. ROSO:
I think what we're looking at here is assuming the worst and I don't think the developer is going to do that to make the best use of his land.

MRS. GUSTAFSON:
But all of these assume a full block ownership, don't they.

MRS. ROSO:
The opportunity parcels that we saw on the map weren't all full blocks.

MR. O'HISER:
The development you see here--where you see the full block--of course that is what is being shown.

MRS. GUSTAFSON:
I know I was gone but I'm really lost. Other than through F.A.R. we can't control the size of the floor, right. I mean, we're not controlling the size of the floor. So what's the discussion about 18, 16--how is what you do influential on the developer in terms of floor width, unless you're saying that you limit the height,they're going to make them fatter.

MR. O'HISER:
That's true.

MRS. GUSTAFSON:
I would like to say, it seems to me, that the funny thing about the bank tower is that there's one of them and I think maybe two or three enormous ones wouldn't look as funny.

MR. SHELDON:
As what?

MRS. GUSTAFSON:
As funny. I mean, I don't think there's any possibility of development to the ultimate of the height limitations we've given but I think what makes that tower stick out like such a sore thumb is that there is just one of them.

MR. O'HISER:
You're referring to the existing tower.

MR. SHANNON:
The other thing is that what you really say here is that you would go ahead on the thirty-eight story, which is what they told us before but nobody else can and that kind of draws me the wrong way, it really does. We're not that small a town that we're going to give favors and say that everybody else has got to cut down. I think it's going to be very bloody.

MR. O'HISER:
It was something done some years back.

MR. SHANNON:
Why didn't you say that's the only building that has been given previous approval some years back, but you didn't refer to it here.

MR. O'HISER:
I was talking about the 15:1 area only and that happened to turn out to be the case.

MR. SHELDON:
What you're really saying, Rod, between the lines, as I understand it, is that that in the 15:1 F.A.R. area you're proposing a 450 foot limit and that the only building that would,present and be contemplated to, exceed that limit would be in fact, the bank if they go ahead and build their tower as per their original plan, and it would exceed it by what--a factor of 70 feet.

MR. O'HISER:
54 feet.
I was trying to separate what's happened in the past from an observation about excessive building height that might arise in the 15:1. I mean, that's in the area--and that's been the concern by people testifying through the years on buildings heights, that we don't....

MR. SHELDON:
In effect, isn't what you're trying to say that you have a situation in which the Council has essentially committed themselves to allow one building an absolute height or an absolute number of floors, I can't remember which, I think it was actually the number of floors.

MR. O'HISER:
It was actually an F.A.R. 12 with the limiting factor...

MR. SHELDON:
Oh, an F.A.R. of 12.

MR. O'HISER:
Yes, and so they built part of that F.A.R. in one phase and the rest of it was contemplated to be built later and that would amount to a thirty-eight floor building and I don't know how many square feet per floor.

MR. SHELDON:
But it's a matter of record that thirty-eight floors are due and payable at some future time, is that not correct. I'm asking a question, I don't have an opinion.

MR. O'HISER:
That's what was meant by the very last line there, yes.

MR. SHELDON:
All right, then, so what you're saying is that with the exception of this one building, what you're concerned about is that in the 15:1 F.A.R. area, through property aggregation, since the bank already aggregated all it's going to do and it's already built one-half of its project so it can't logically be expected to come up with anymore land, they're bounded by streets and it's unlikely for a lot of obvious reasons that any of those streets are going to get closed, that that's the end of that, but others could presumably do the same thing since there are some odd parcels in that particular neighborhood and you're concerned that that might in fact happen; that the closure that the bank already has obtained might led to another closure and that to prevent that sort of re-parcelization and a very dramatically tall building on the scale of, say, the First National Bank, you're proposing a 450 foot limit. Isn't that really what you're saying.

MR. O'HISER:
I would say, could happen.

MR. SHELDON:
Right, you're not sure that it will and it may never happen, but you're saying that the staff's recommendation is as an insurance policy against that, rather than some language which says that you can only count 40,000 square feet which was another issue we were rattling around with at one time.

MR. O'HISER:
I think Mr. Goodell has suggested that that be a way of constraining it.

MR. SHELDON:
You're suggesting that the constraint be just expressed in terms of absolute feet.

MR. O'HISER:
Yes. I think I would like to suggest that this be left with you for your review and that we come back to this question.

MR. SHELDON:
O.K., I just want to make sure that everybody understand what the issue is.

MR. WESSINGER:
The question, Bing, has come up in my mind would be that if the bank was able on a 12:1 ratio to build to this 38, and we have other areas which are 12:1, are you then saying that in effect you could have a higher building in the 12:1 than you can in the 15:1.

MR. SHELDON:
That's a possibility.

MR. GOODELL:
U.S. Bank acquired three blocks between Burnside and Oak. Only one of those three blocks was a full 200 by 200 city block. The other two were less. One of them considerably less. So they amalgamated by two street vacations a strip roughly 200 feet wide and 400 and some feet long. They then applied twelve times, 200 times 400, which was the then existing floor area ratio. They built their operations center as a low rise building covering the bulk of the site which left a residue, or a remainder, of the total floor area ratio attributable to that amalgamated piece. They then went up thirty-eight stories in their planned building and that used up their floor area ratio. What they are attempting to say is that we went ahead on

MR. GOODELL (CONTD):
the assumption, well, actually on the agreement that we could go ahead on the tower if we built this first phase using up the bulk of our floor area ratio. So, putting it in its perspective, they are doing something that is unique because I--well, I don't see the ability at the present on very many blocks to go beyond 40,000 square feet and the counsel I've given the staff has been that there really is no need to go beyond 40,000 square feet of land area in determining floor area ratio which then determines height, if, in fact, the premise that I've made all along is that you need 15,000 or 15 floor area ratio times 40,000 square feet that meets the needs of all aspects of the potential office building developer community. So, what I have proposed, and this is getting ahead or behind or somewhere else, is that we maximize the ability to accumulate land for terms of floor area ratio to 40,000 square feet. Then we're consistent all along the line in the application of the height and density situation.

MRS. GUSTAFSON:
You're saying, though, they could vacate streets.

MR. GOODELL:
No, no, I'm saying if for other reasons it is in the public interest to vacate streets, or to do that, you can go ahead and do it but you can't put all that over onto one tower.

MRS. GUSTAFSON:
My point is it seems to me you couldn't build an enormous building without the vacation of streets and that that would then be under the control of whoever was in Council at that time. Under 12:1 it couldn't automatically be done.

MR. SHELDON:
I think it just proves the tidiness of that theory. The point that Stan is making is a good one. It may well be in very much in the public's interest to go ahead and not only allow the vacation of the street but in fact encourage it for other other reasons, let's assume, and now the developer says--the Council's position is, let's get rid of the street, we'll get something nice of it, we'll put it back in the tax rolls, it is needed, etc. etc., and they say, yes, Mr. Developer, go ahead with our blessings and vacate the street. Now, the developer then says, well, O.K., and by the way folks I know have instead of 40,000

MR. SHELDON (CONTD):
square feet, I have happened to pick up the street area.

MRS. GUSTAFSON:
Let us assume that if a development company gets a street vacation, we say what's the building going to look like, which I think is probable and so you're just talking about whether there's certain control over very tall buildings which there would be. I have no objection to limiting it to 40,000 square feet but it can't automatically be done.

MR. GOODELL:
No, I agree, there has to be additional language maximizing the assemblage at 40,000 square feet.

MR. SHELDON:
That's your proposal as opposed to an absolute height limit.

MR. GOODELL:
Yes.

MR. O'HISER:
Well, I suggested earlier that we've brought this up for your consideration. Mr. Goodell's proposal while it's true that it was presented to the staff and Ernie thought that we should come forward with this and I think staff, though, should make an evaluation of his proposal as well and come back. Meanwhile, I think you've had a hearing of this issue that we think arises in the 15:1.

MR. SHELDON:
You feel then that it is only an issue in the 15:1.

MR. O'HISER:
That was the conclusion of the staff--in discussion with Ernie, because I was concerned about the 9:1 just north of Burnside, although the--I mean I was concerned that the Burnside Community Council would be concerned and in our goals and guidelines we have addressed some concern to the neighborhood. But staff concluded that the 15:1 was the area where the problem was greatest.

MR. SHELDON:
To illustrate the point, the Far West Federal Savings tower in my recollection had 11,000 square feet per floor, approximately.

MR. O'HISER:
On the half block.

MR. SHELDON:
So you can see what would happen, well, I think you can extrapolate on this diagram that at 11,000 square feet in the 15:1 F.A.R. that would push that building up considerably higher, if the owner chose to do that.

MR. O'HISER:
But we're measuring at the half block site.

MR. SHELDON:
Yes, that particular one happens to be a half block site, I agree, so it has limits built into it.

MR. O'HISER:
The other item that I'm bringing up--it's where I was mentioning about kind of one step forward and a few steps back, or whatever, is concerning regulations in the South Auditorium project. On August 4th, you adopted height limits and you adopted some F.A.R. recommendations as well and with the intent to make certain that everything is covered, we've gone back to the Development Commission and they've examined the project area standards and it turns out that there are some conflicts and Mr. Cook is here today and he might comment on this. I'll just mentioned that the conflicts south of Market are that the regulations which we'll recommend to Council would allow a developer to build a building greater than that which you'd be allowed under the project area standards, so it doesn't seem to be quite the thing to do to come up with a new set of regulations and with the developer assuming he can do one thing and then he goes up to the other agency and finds out he can't do it after all. In discussing this with Ernie we felt we should be consistent and the staff's recommendation is that we by reference or whatever seems to be the best way, by mapping, by incorporating their standards in our map which starts to make our map rather busy because they've been very careful parcel by parcel in their urban design consideration to attach varying standards, so I'm not certain what's the best way to handle this but we are recommending that the area south of Market and the project area actually goes up to Jefferson, but that area south of Market which is largely of a superblock kind of development with very precise and detailed and varying standards parcel and parcel; that in that area that we would incorporate those project area

MR. O'HISER (CONTD):
standards in our development regulations. Probably we should reconsider too about our use list in respect to their use list. So, somehow I think we've got to make these things consistent.

Now, regarding the area north of Market, the project area standard was that of the previous zoning ordinance, a F.A.R. of 12, and that's sort of written in stone in Washington, D.C. or someplace that that's what a developer would be allowed, and there are a few parcels that are yet to be developed--the one south of the Ben Franklin building. In that case it's pretty much of a downtown block pattern, block by block, and we feel that the regulations regarding the F.A.R. at 9 and the height limits that you're suggesting it would be best to stay with the standards that you've evolved.

Another area that has some extra set of regulations is Portland State University and you have a--and I haven't gotten into this--I just got it this morning--but there is a letter from the Development Commission's legal counsel--I think maybe only on the South Auditorium project--maybe it's on both and also a letter from Portland State. Regarding Portland State, they think the regulations are swell except depending upon how you apply them. They would like to build one eleven story building, a library, in there and so it depends on how you measure the site and maybe Mr. Goodell's device will help us out of that.

We have encountered a couple of problems--we're going to solve them and bring back a precise recommendation to you regarding building heights.

I don't know whether Mr. Cook has anymore to add about this and I've rattled through this awfully quickly.

MR. SHELDON:
Well, why don't we ask Mike.

MR. MIKE COOK, PORTLAND DEVELOPMENT COMMISSION:
There's really just one thing and that is that the urban renewal, the covenants of the urban renewal plans in both South Auditorium and Portland State areas will expire in 1990 or around 1990 and at that time the zoning of the City would take over as a regulations for that area, or the owners, together with the Planning Commission and Council, could again adopt to extend those regulations.

Well, I would imagine that the owners wouldn't be necessarily enthusiastic about extending the regulations. Maybe they would, I don't know, but it's way down the time track; and it would be good now if the zoning regulations could be brought in and made consistent with the urban renewal plan regulations as much as possible. You may want

MR. COOK (CONTD):
because of new considerations of view corridors and that sort of thing, you know, superimpose some additional regulations on there so that you would be able to maintain your view corridors. The buildings which might come into conflict with the view corridors are already backed up by another tall building in back of it anyway, so it wouldn't help that much.

I should say that the view corridor that does create probably the most serious problem with the renewal area is the one, the Vista Tunnel Corridor, in which we have two development sites.

MR. SHELDON:
Why don't you point those out.

MR. COOK:
Here's the corridor right here. We have a development site here where we're proposing a hotel.

MR. O'HISER:
It's south of Ben Franklin, isn't it.

MR. COOK:
Yes, between Ben Franklin and Crown Plaza, and then the Sailors Union and Pacific sites, a full block next to the Auditorium. Both of these, one is at a 150 foot height zone, one is a 160 foot height zone, and we feel that development would be able to be provided in those areas without too much conflict. It would limit some of the flexibility in development though and we've had a hard time getting those sites developed anyway.

MR. KATZ:
What would it do to the view corridor as you enter the city from the west? Would it chop off the view from the other side of the river?

MR. COOK:
I don't know. I assume that the regulations that were, you know, the 160 and 150 height limit were logical limitations to help preserve the view and anything in excess of that would interrupt that view.

MR. KATZ:
What about 150 feet, nothing over, but just 150--would that be disruptive of the view, that's what I want to know.

MR. COOK:
I don't know, I don't think so, I don't know.

MR. KATZ:
Was the view taken into account when that 150 or 160 was...

MR. COOK:
Yes, those are the ones that the Bureau of Planning and then in turn you approved.

MRS. GUSTAFSON:
But essentially you'd be in no position that anybody downtown who had property and didn't want any limit, to limit the size of the building.

MR. COOK:
That's right, we're in no other--well, we are in somewhat of a different position because if it limited development in that area to the extent that it made projects not feasible, if that were the case, and I imagine we could get development within those height limits, but if that were the case, then we wouldn't be able to complete the urban renewal plan; we wouldn't be able to finance the completion of the project because the project is based on the resale of that property. And the City see, in turn, has a contract to complete the project so there may be some legal problems there. That would be the only difference.

MR. SHELDON:
That refers to your letter, Blocks 131 and 115.

MR. COOK:
That's right.

MR. SHELDON:
You don't have, though, at this time any proposed building height that you would wish to substitute. You're just pointing out that this might be a problem.

MR. COOK:
That's right. It may be.

MR. SHELDON:
Now, on the other case, the American Plaza case, you do have a specific development plan of 195 feet.

MR. COOK:
That's right.

MR. SHELDON:
And you're committed.

MR. COOK:
We're committed and we're acting on behalf of the City, so essentially the City has an agreement.

MR. SHELDON:
Right.

MR. COOK:
And that--the view corridor is this way on American Plaza, and this is the tower we're talking about, 195 feet. This one is 225 feet and this one is 175 feet so you know there wouldn't be much of a--you wouldn't save much anyway--and these really do stick up in that view corridor.

MRS. GUSTAFSON:
What of this are we going to deal with.

MR. SHELDON:
Well, I think Rod is suggesting that in this whole issue of the height of 450 feet versus the Goodell proposal of 40,000 limit of land area, in addition to the PDC's remarks, that this is not an item for action today It's for our information and will be put in context with the discussion at the time when we...

MR. O'HISER:
Because I'd like to read their legal counsel's--I mean, Mike has said that there might be a problem or something and I want to make certain what they're really saying there; what the legal counsel is saying.

MR. SHELDON:
We can discuss these issues but come to no resolution to them today.

MRS. GUSTAFSON:
Well, why not. We'll have to rediscuss them when we get them back.

MR. SHELDON:
Well, I would just like to comment on the item two in PDC's letter that while I'm sympathetic to the problem of those two blocks, I think it also raises an interesting problem in that if we are saying that private owners are going to be limiting but we are going to exclude public agencies from our rules, I think it would be very indefensible. I mean, it strikes me even though it puts the City's own interest somewhat at a loss, I don't

MR. SHELDON (CONTD):
think we can turn around and make exceptions for ourselves but pulled everybody else. It really seems that that issue has to really look at the whole view corridor or we throw the whole damn thing out or live with it in terms of PDC which doesn't strike me as being very rational.

MRS. ROSO:
Further, the last paragraph of the letter from Mr. Hunt and Mr. LaCrosse offends me. It says, "It looks as though the above areas can be fairly easily resolved between our two staffs prior to Council action". No matter what the Planning Commission does, the staff is supposed to be able to take care of the problems. That's not what we are here. I don't like even the implication that the city is going to take care of their little problems in fact after the Commission has adopted them.

MR. COOK:
The only intent was to express a spirit of cooperation and that we would present reasonable proposals to the Commission.

MRS. ROSO:
We would hope that the Commission would participate before the decision is made rather than after.

MR. COOK:
There was certainly no intent to...

MR. SHELDON:
Are there any other questions to Mike. I assume he would like to get off and do something more productive than sitting here.

MR. KATZ:
There's something more productive?

MR. SHELDON:
Are there any other questions either to Rod or to Mike.

MRS. ROSO:
I would like to say to Rod that I would hope that you would come up with something that does not have a height limit in the downtown area and if it takes a motion from the Commission to ask staff to come up with something that doesn't have that then I would be ready to make that motion.

MR. O'HISER:
Beyond those that you've adopted for those reasons.

MRS. ROSO:
Beyond those adopted.

At this time, Mr. Barnett was excused from the meeting.

MR. SHANNON:
Certainly that's Sharon point of view, Rod, but I was kind of amazed at this maze of all these different heights in here--talk about spaghetti, there's really one right there. If that's what you're saying we've adopted, I think all this criteria by everything we've adopted--because it says shadow, it says vista view, it says F.A.R, so, on these height limitations I also have a real problem looking at that and trying to make sense out of those particular height limitations that we've got there.

MR. O'HISER:
It may look a little more legible in black and white--I mean the color is used to try to sort them out but....

MR. SHANNON:
It's not the colors, it's the numbers. You're constantly changing from one block to another of 50, 60, 100 feet and I was going to compare those with the original height limitations which are at least a little broader that our original Blayney came up with--that's a lot worse to deal with than what Blayney came up with.

MRS. GUSTAFSON:
Except if you have it on your map--it's clear to everybody, all you're doing is protecting a specific thing, shadows, so that's different from the block that wouldn't shadow the public place, or a view corridor; that's different from the block a couple blocks over that wouldn't affect the view corridors and if it's public and all your mass is down-town so that people know what you're doing, there's no reason to impose tight limitations on one guy just because the other one doesn't.

MR. SHANNON:
Well, when you combine that with your non-conforming building heights now and what your views are left, I'm not against all future non-conforming, major non-conforming, depending on how they pick them up. I get some problems with that.

MRS. GUSTAFSON:
It's not perfect.

MR. SHELDON:
I'd like to defer a motion onto a height limit at this point because I think it really ought to be in context of an overall discussion. I think Rod is really not prepared to defend this thing at this point.

MR. O'HISER:
No, Mr. Goodell's offered this alternative.

MR. SHELDON:
It seems to me unless there's some strong sentiment at this point I'd like to move on to the next item that Rod has projected for discussion.

MR. O'HISER:
The next item that I'd like to just touch on and I don't anticipate much discussion represents a progress report on our part and that is regarding the question of continuance of removal or systematic removal of surface parking.

MR. SHELDON:
Item 4 on your agenda?

MR. O'HISER:
Yes. There's one page there representing, as I said, a bit of progress on this very substantive...

MR. SHELDON:
Rod, do you have an extra packet of all the information. I think Sharon somehow missed getting all the information.

MR. O'HISER:
The motion that the Commission made was that the staff return with a discussion of alternatives, the pros and cons of the alternatives for the gradual elimination of surface parking, and we assume that one of the alternatives is continuance with attrition taking care of that; which would be the item (1) there. I've listed three alternatives; not to say that there might not be more or some combinations but this is what we're looking at. And the first one is that of continuing as a non-conforming use. I'd just like to mentioned in passing that at the Council hearing on the Downtown Parking and Circulation Policy and elderly man with maybe a sole income or something was his parking lot and he questioned the Council very intensively about whether they were going to take away his parking lot, his income, and Council went into some detail about that, no, it would be grandfathered in and it would be a non-conforming use and instructed the staff to insert language relating to this zoning ordinance language about non-conforming uses. I'm just saying that this was one bit of reaction to this subject at the Council. However, later in the meeting Mr. Gisvold and Mr. VanDyke testified and as a result of that testimony

MR. O'HISER (CONTD):
the Council was told by staff that we would probably be taking this whole subject up with you again during the course of Development Regulations, so, two kinds of things were said at the Council.

MRS. GUSTAFSON:
So, what you're saying is there is no point in trying to eliminate the lots because they have promised not to.

MR. O'HISER:
No, no, I was just giving you a little background; the climate, because I think the Council was open for a-- and I'm not certain, as I recall, at your May 21st hearing, the parking industry thought this had already been thoroughly evaluated in this form as well as the City Council and when we report back to you at the next session, I think we better notify those people who are irate so they can participate.

MRS. GUSTAFSON:
Is it possible to write a statute indicating that you can get a variance on the basis of economic hardship. I mean extreme and terrible hardship like the little old man.

MR. O'HISER:
I don't think so.

MR. KATZ:
It might be possible, but the question is does that make good sense from a public policy standpoint.

MRS. GUSTAFSON:
Well, if it made it possible to phase out lots...

MR. KATZ:
Not to look to the use of the land but to look to the economics of the wherewithal of the owner.

MRS. GUSTAFSON:
That sounds to me that would be stimulated by the economic wherewithal of the owner, the Council decides to keep all the lots and what I'm asking is, is it possible to eliminate the hard, strict approach to keep the parking lots.

MR. O'HISER:
That's something I can't answer today. I don't know whether that's justification of hardship.
One I didn't list here, of these three alternatives,

MR. O'HISER (CONTD):
was that of public purchase and that may sound kind of excessive or impossible; however, Ernie had at least wondered in the course of carrying out the Waterfront Urban Renewal Project whether some land couldn't be assembled and that would be the first land you'd be looking at. So, it's something I didn't list and we had better look at that or some combinations.

The termination of the set time period is something that's been done, of course, with billboards but there there was either it's built into the regulations or something that was adopted later, variances have been given whether it was based on a person's needing an income or not, I don't know, but our variance committee is looking at the termination of billboards and they are granting variances for one reason or another.

The third was a proposal advanced to us that you place the lot in revocable permit status after a period of time and then you make some judgment along the way whether to revoke that permit and I think this is the area where we'll at least we'll be doing--having to do some examination of what these implications might be.

Back to what we're into right now, we felt that we'd better do a detailed survey to find out just what the extent of the problem is. I mean, it's been judged in the Parking and Circulation Policy as a kind of undesirable facility in downtown but just what are the characteristics and how many and so we have gotten back into survey. The map on the left is a survey of three different categories that are identified in the Parking and Circulation Policy. The map on the right is the inventory and we haven't brought things together yet. The reason we wanted to break down these categories is because the Parking and Circulation Policy does separate these. For instance, regarding non-conforming,"Existing surface parking lots shall constitute non-conforming uses except for the following...: On-site parking for residential development, on-site parking for industrial development in parking Sector 1, on-site parking for other development in low density areas of downtown where such surface parking does not result in more than 24 parking spaces in that city block in which the parking is located", and there is separation whether it's customer or private parking. So, I think as we look at trying to apply some kind of a program for removal either through attrition taking care of it or some more aggressive program that we have to make some judgments about which parking might be applied or tackled in this program. So, we're just almost finished with this getting our data together.

Staff also has some research prepared by the City Attorney's office on the question whether or not they constitute a nuisance, parking lots, and we now have an

MR. O'HISER (CONTD):
extensive research report called Amortization: Some new problems and solutions, prepared by a Lewis and Clark law student. As I started to indicate earlier, we're going to get well into this item (3) about the revocable permit and this really relates to the question of the similar kind of thing about the non-conforming signs and there we have suggestion for consideration, or will be through the Sign Committee, a method where you would be attaching a revocable permit status to a sign, in this case a parking lot, and only considering revoking that permit when there was some kind of a public or private program underway for the sign on the street area where it is or it's located, and regarding a parking lot if there would be--if replacement structure parking is being made available, so that there some sort of synchronization for the program. In other words, getting away from the item (2), just terminating them to say you've got to vanish.

MRS. GUSTAFSON:
How in the world would you ever choose, from the several lots, the one to close.

MR. O'HISER:
It might be for each lot a percentage or proportional reduction.

MRS. GUSTAFSON:
By trying to wicky-wacky around you might create so many problems it would be impossible.

MR. SHELDON:
I think clearly the intent of number (3) as I would see it, would be to place the time limit out at a point where the improvements would have been clearly amortized so there could be no legal argument about a taking and at that point then which you're really saying is, say, by putting it on an annual revocable permit procedure you're really saying to make life more difficult for that individual to continue in this use, now essentially paid for, and the hope is and the theory it seems to me is that it isn't that you kind of wind up taking two from him and three from and hoping eventually you can get them down to zero so he builds a building, it's more like that he'll get tired of essentially seeing a declining revenue against a tougher stand and he will, in fact, elect to sell his property to a developer rather than to retain ownership waiting for....

MRS. GUSTAFSON:
Except that the language here does not talk at all about closing the lots depending on their economic status.

MR. SHELDON:
There's two issues, I think. Number one, that you set time of certain that allows the amortization of the improvements for all parking lots and at that point, then, everybody has their asphalt paid for, their bushes and other improvements that they've had to put in as a result of city regulations, paid for, and they're amortized out. So, clearly then everybody is equal in terms of their economic hardship at this point. I think the theory on alternative number (3) would be that by requiring those owners to come in on an annual basis to get a revocable permit, which is procedure that would require a certain amount of effort on their part, and presumably some kind of justification for the permit, that it would encourage them to seek alternative methods for putting their property to use; whereas the current situation politely ignores the situation and hopes that other forces will put that land into more productive use and I think all this is doing is just putting the onus of coming back annually onto the owner with the thought that that's going to make his life sufficiently more difficult so that when somebody comes by and offers him fifteen dollars a square foot for his property, he won't hold out for fifteen-fifty.

MRS. GUSTAFSON:
I appreciate the intent and I'll be interested to see what you come up with.

MR. O'HISER:
And I would agree that there's probably other criteria that we need to examine. I thought you were narrowing me down to a situation where lot "A" and "B"-- all the criteria was the same and how do you chose between the two.

MRS. GUSTAFSON:
I am.

MR. SHELDON:
And that is an issue.

MRS. GUSTAFSON:
Because I don't think anybody's passed a policy of just increasing harassment to lose one space here and one space there. You couldn't do that. You'd have to either quit the lot or not and how you want to amortize lots seems to me impossible.

MR. O'HISER:

We're going to attempt to be complete about this but also to make or re-examine or fully examine number (1) to see what the attrition rate might be too to see whether that is solvent. I think that was Mr. Goodell's earlier testimony that the same result is going to be achieved of parking lot elimination. Mr. Gisvold and Mr. Goodell are here. I don't know whether they want to add to this progress report at this time or not.

MR. DEAN GISVOLD:

I'm very position about exploring number (3) because I think, not only is number (3) in keeping with sort of the non-conforming policy which surface lots are now in but it also helps treat the situation of if you develop structure parking lot and you need those spaces because of the lid, you can plan ahead and say we will need these spaces and thus we are revoking these permits which will be revoked two years hence because in that particular time we'll have a structure that will have seven hundred spaces and we need seven hundred because we only two hundred in the pool and that will help--that was my main thought. Also, there might be some other areas where you might want to promote some kind of public development or private/public development where you would want to revoke those permits too.

MRS. GUSTAFSON:

How would you chose among the people to give up their spaces in a pool.

MR. GISVOLD:

As I remember the downtown is developed in zones now and in Parking Policy 6 as I remember, you could do it by zones. If there were too many, you might do it by distance from the new structure or perhaps even a lottery system. I don't know. But I think that question is probably the hardest question but I don't think it is insolvable.

MR. WESSINGER:

That's going to be a real one though, Bing, when you get down to the practicality if you put a parking structure in four and then want to knock out seven hundred deals here, that's going to be an utter and complete bearcat politically.

MRS. GUSTAFSON:

Especially when you consider the Council approved a surface lot next to a structure.

MR. WESSINGER:
I can understand what we're trying to get out but I'm also thinking are we going write something that really is just meaningless words on paper.

MR. GOODELL:
Might I add one additional factor. A considerable number of these surface parking lots are, in fact, on long term lease, or at least they were long term when they were written and without going into the specifics of when those leases expired or when they were written, that's one additional consideration. Of course that is the considera- that has most strongly affected my rationale and very frankly the objectives of the business community and the parking industry.

MR. SHELDON:
What if you took an approach like number (3) but set the permit status as permanent until the expiration of the lease, then put it on a revocable permit.

MR. GOODELL:
I don't know, Bing. If we can come together, I'm all for it, and I've lost track of the numbers but there is definitely at the present time a definite hierarchy of parking status right now and in that hierarchy you've got to include on-street parking as the city's program goes forward, those go into the pool. There are already, and I've lost track of the numbers, how many--well, there are already several, many lots that are already on revocable permit. Now, I feel the Council and Planning Commission has not acted properly in terms of the--well, the Council actually in terms of these recent, the Dussin lot and so on and so forth, and those very definitely should be the first to go, because the City already has control. O.K., then is an unknown "X" and I guess we've got to say the quicker the downtown starts redeveloping, the greater this number is what I've attributed to the normal attrition. Well, there has been some attrition since the policy was written. O.K., there's that situation, and then you've got all the others either on lease or off lease. I guess my feeling is at the present time without a demonstrated need or without sensing a demonstrated need within the next two or three years, I would be inclined to keep the language pretty much the way it is. It seems to me as a policy matter it would be easier to solve when there is some immediacy rather than when it's a theoretical thing.

MR. SHANNON:
Didn't DEQ change its position on parking down- town this last week or two weeks ago.

MR. O'HISER:

Not DEQ, the federal government. I think I can clarify that. The headline that you read, or the news article that you read was in reference to those states and cities within those states which did not promulgate a plan and so in those states and those cities the federal government just took over and as I understand it, they took over in Washington, D.C. and one of there programs was to eliminate parking for staff and Congressmen, and so the appropriation was cut off in those cities which had not developed their own plan. So,here in Portland, State of Oregon, we do have a plan which EPA accepted but the language or the news story wasn't addressed to that kind of situation. It's probably, you know, when you read those headlines and I suppose it does create some kind of momentum for perhaps this thing. If it isn't important in those particular--in Boston and Washington, D.C. and so forth, why is it important in Portland, Oregon. I mean, there's those kinds of expressions that will be made.

MR. MINDEN:

Don't we have a surplus now.

MR. O'HISER:

The way that the lid is now measured, we do have a pretty good bank account until the PGE facility is operating.

MR. SHELDON:

I would think, Rod, that as part of this review, if you hadn't already intended it, would be to, in fact, analyze the number of spaces that due to public actions will create surplus in the pool by removal of on-street parking. In other words, it's fairly clear, as I recall it, which streets on certain time schedules be comtemplated for having cars removed. The Transit Mall will be coming up shortly; Burnside has already lost its parking; and I think the Park Blocks were slated to lose theirs at some time.

MR. O'HISER:

I'm missing your point, however, in regard to this particular analysis.

MR. SHELDON:

Well, O.K., I think it would seem to me that--well, Stan has raised the question that it may well not be necessary to, in fact, be looking for cars for the proposed major parking facilities because....

MR. O'HISER:

O.K.

MR. SHELDON:
And I think that question has to be answered. If, in fact, it can be demonstrated that the City's own action will result in a continual surplus, then it's very difficult, I think, to remove somebody's economic livelihood of the use of the property. I mean, if we going to have no danger of ever going over the lid despite public policy, then the conflict of public versus private becomes a lot harder to duplicate.

MR. O'HISER:
The intent of the development of the East Retail Core Parking and perhaps a West Retail Core was just to make up for that lost on the streets and the Meier & Frank lot only.

MR. SHELDON:
O.K., that's a perfect match, is that correct.

MR. O'HISER:
Well, depending upon how much is developed westside.

MRS. GUSTAFSON:
Where are we now?

MR. O'HISER:
The next item was that of just telling you that we have distributed to the Commission members, and there's a stack on the chair, a partial draft of the--maybe we can call it a second draft of the Blayney document incorporating your language changes in the little circles or red marks, staff language changes which fulfill your instructions that there be some staff work and we wanted you to take it with you and have an opportunity to read our language changes. I don't think we have time to go through that at this particular meeting--maybe just a couple of items that I can remember. We have some problems in the AX zones about how to deal with the second 20 percent, using the conditional uses that are allowed in C1, how they would be utilized. The question of some automotive facilities in the AX area has been handled.

MR. SHELDON:
Everything that is circled in red or underlined or added is changed.

MR. O'HISER:
I'm not sure about the last point I was just making about the parking and some related auto service facilities. It's added as a conditional use. Now, I've gone through the minutes of all the hearings--it's very

MR. O'HISER (CONTD):
interesting reading--and reading through that I did, it seemed that we kind of drifted back and forth regarding a conditional use list. At one point we were talking about a list of those uses which could be developed and I think Mrs. Gustafson mentioned this, for instance, a church and there would be no housing requirement. So there's a pure list of conditional uses that can be built regardless of any housing development; that there was this other category where we were trying to sweeten it so that we could induce housing where we were taking from that conditional use list and considering under a conditional use procedure including that in the up to 40 percent. Well, the language attempts to cover that--is intended to cover that, and also to include the automotive and the question of a parking garage.

I think it was interesting kind of sorting this thing out is that there was--I think Mr. Rose' wondered whether or not we couldn't have kind of a community parking facility for apartment development, or whether it had to be on site. Well, the fact that it does exist in the conditional use list makes that possible and I spoke before a Presbyterian Church group one evening and they were concerned about having--you know, in case we use--in case attrition takes place and there's infilling of housing in that north Washington Street area, will there be some kind of parking facility. Well, I don't know that there will be but there could be kind of a community or neighborhood parking facility as laid out in the development regulations that you have before you.

Another bit of kind of tinkering with the language or making it consistent with what has been done is that we've separated out a couple of areas in downtown that won't be under design review, they would be under the review of Historical Landmarks Commission;those two enclaves. They are the blue on this map, although the map is not up to date, the line goes all the way to the Esplanade over to the sea-wall. So, there's been some responsibilities delegated to a design commission, and we're going to be talking about this in just a moment, including the kinds of uses which are not, need not be covered, need not be enclosed uses and somewhere along the line we ran into the problem about how do we grant permits to the Rose Festival for the carnival and so forth. So, the evaluation of the appropriateness of that kind of development will be delegated to the design committee and those parts of downtown where it has jurisdiction it turns out that the historic district will have partial jurisdiction, so, I don't know, there'll be a toss up during Rose Festival time who evaluates the appropriateness of what is going in there. But this is the way the language has evolved, that everything be covered and that there be appropriate review.

MR. O'HISER (CONTD):

We aren't finished with our staff check of work with Spencer to make certain that the language is synchronized with the zoning ordinance and I encounter residential care facility control language, service station control language that has been located in the downtown regulations and they didn't appear in the Blayney, so that kind of thing has to be brought into it and it's not in the draft that you have before you today. So, there's more work to be done, and I want to make certain that the City Attorney's office concurs.

So, where we are, well, we're about to turn to the design review process itself. We also had to come back to you on the question of mapping the blank walls, required retail, the building line--you addressed that to some extent; the rain cover. One other item the staff will be recommending to you that we not have a bonus for transfer of historic rights. That's another thing that we haven't had a full discussion to you but the preview will be explaining why we don't think that's necessary. The one remaining item is that of a required residential development in two sections of downtown outside of AX, three sections of downtown. Staff is concluding that the requirement that there be such development over railyards and hovering over the Morrison Bridge may not be a requirement that's workable at this particular time. The question of a requirement in Lownsdale is still kind of up in the air and we're just getting a report from the AIA with assistance of Ben Franklin making a definitive statement about what might happen at Lownsdale as far as a multiple use development. Whether or not they need the zoning regulations to make them do it, I'm not certain, and whether or not we want to recommend back to you that we hold onto that 30 percent. It turns out that there are other ways that this will work and it doesn't have anything to do with the zoning ordinance. I think we can turn now to the question of a design review.

MR. SHELDON:

Before we do that, why don't we take a brief two minutes recess while Everlee changes the tape.

At this time, the Commission recessed for five minutes.

MRS. GUSTAFSON:

The Commission questions what we're doing. I'd like to know what we have left to do on development regs and what we expected to accomplish today. I feel we're kind of mishmashing around.

MR. BONNER:
Would you like my opinion.

MRS. GUSTAFSON:
Yes.

MR. BONNER:
O.K. I think we should come to a conclusion--a conclusion in terms of the ordinance language on heights. Are there or are there not going to be height limits in addition to view corridors and in the protection of open space. So my suggestion is make a decision on the South Auditorium renewal project, are we going to accept the PDC height limits and make them a part of our regulations. Secondly, do you or do you not want in the 15:1 F.A.R. a height limit.

MRS. GUSTAFSON:
O.K., what else?

MR. BONNER:
Well, that's only height limits.
Secondly, the surface parking. Will we or will we not permit existing surface parking lots to continue or will there be a period of time for amortization and then a revocable permit or what. That has got to be settled. And like I say, from my point of view, when we went to Council last time, I have a clear message from Council that they are not going to do that, with the exception of one member. I think Charles Jordan expressed an interest in looking at that but I got the clear impression from Council that they did not want it--the burden of existing surface parking lots with amortization period and a revocable permit status. That's why we came back in without a recommendation.
So, height, both those two areas in addition to what we've got, and surface parking.

MRS. GUSTAFSON:
Design Review, do you want to act on that today.

MR. BONNER:
And Design Review.

MRS. GUSTAFSON:
And then what we have to do left.

MR. BONNER:
I think that's all I have, design review, height, surface parking.

MRS. GUSTAFSON:
Building lines, blank wall limitations...

MR. BONNER:
Right.

MRS. GUSTAFSON:
And if we take action on all those things, where are we at on development regs.

MR. BONNER:
As far as I'm concerned we'd have all we need to make a final draft and then we give that to you, you could look at the language, staff could make some additional language changes according to your direction, and we could handle the final adoption at a luncheon meeting in a couple of hours.

MRS. GUSTAFSON:
May I move then, or suggest that we defer design review for a few more minutes; that we go backwards and do discuss for the last time the height limitation and take action, and then discuss the parking and take action or not, and then go on to design review and take action.

MR. SHELDON:
Is that what everybody would like to do?

MR. MINDEN:
I think it was Rod who suggested that we delay this.

MRS. GUSTAFSON:
Well, he doesn't have to come back--well, he does.

MR. BONNER:
Well, I see no point to be made in something--there's a fairly clear choice in height limits. Either put that 450 foot on there or have nothing.

MR. SHELDON:
Or Goodell's recommendation which is to accept the 40,000 square foot land area as a given.

MR. BONNER:
O.K., that's an alternative too.

MR. KATZ:
That doesn't mean you can't have bigger lots, but as a means of determining height, they can't use a bigger base than 40,000.

MR. MINDEN:
That would be the determining factor for height but actually it would probably might even be a little lower than 450 in most cases. It wouldn't be higher than that.

MR. SHELDON:
That's probably accurate.

MRS. GUSTAFSON:
I have a motion. I would move that we accept the Goodell concept that we have 40,000 as the biggest parcel that can be used for determining height, and that we do not impose a height restriction in the 15:1.

MR. WESSINGER:
This is strictly in the 15:1.

MR. SHELDON:
Yes.

MRS. GUSTAFSON:
No, the 40,000 would be...

MR. SHELDON:
Well, that would be applicable in all.

MR. SHANNON:
What about the OIC; that's where it came up; that was the full context of 40,000 and what you do.

MRS. GUSTAFSON:
They're not going to put a tower there.

MR. SHANNON:
No, but 40,000 if you cover everybody, it's going to cover that and that's where we talked about it not covering because we put 3:1 as opposed to 4:1 on the grounds that they could have more than 40,000 square feet.

MR. KATZ:
It doesn't make any difference how many square feet they have, 40,000 would be controlling in determining height.

MRS. GUSTAFSON:
Yes, but what Dave's saying is because that lot is irregular and has considerably more than 40,000 we kept them low because we said since they've got such a big lot, they could really build higher. We put a lower F.A.R. than we really care about the height being.

MR. MINDEN:
You've got a point, Margie, because it would conflict with the 3:1.

MR. WESSINGER:
I am not sure how I understand how that would affect Portland State with a 11 story building.

MR. O'HISER:
I excluded that area as well as the South Auditorium area south of Market, if we adopt their regulations rather than our regulations and we make sure the Vista Tunnel isn't, that we're not south of Market on that.

MRS. GUSTAFSON:
I think that would just be extremely foolish.

MR. O'HISER:
Well, their regulations amount to a F.A.R. much lower than 6.

MRS. GUSTAFSON:
Well, then, what's the harm in keeping ours.

MR. O'HISER:
If you apply this 40,000 square feet to that site of that building where they want to build 11 floors, it's going to go--I'm not sure of their floor area on that particular building.

MR. BONNER:
I don't understand what the question is.

MR. SHELDON:
Well, I think the question is, does the motion as read on the floor create a problem in one instance for Portland State, which apparently has, as I understand it, a library building structure to go 11 floors on a lot which presumably is larger than 40,000 today.

MR. WESSINGER:
I don't know that it is or not.

MR. SHELDON:
I don't know that it is either but there have been streets vacated up in that area so presumably they might have more than 40,000 and so this would limit them even though there have been street vacations, this thing would say that the F.A.R. in that area which is 6:1 would govern and...

MR. BONNER:
If it's 40,000--it's more than 40,000, it's a 6:1. 240,000 square feet they're are permitted and if it's 12 feet per floor, that's 20 floors.

MR. SHANNON:
The view corridor has nothing to do with the other regulations.

MRS. GUSTAFSON:
But the view corridor should impose its own height limitation which doesn't preclude...

MR. GOODELL:
There are several situations that you might call approvals that have already been granted and we're bumping into them here and there and I don't know that we've bumped into all of them. I guess what I'm trying to suggest is that the thrust of Margie's motion seems to me most proper but we still have that last review to make and it just seems to me that we ought to look at this as the overall and then as exceptions conflict with it, maybe there has to be even a clause in it that these conditions, although we know what some of them are, we list them and then say, and others that...

MRS. GUSTAFSON:
Surely this can be checked before our final meeting to see whether there are great exception and if it's not acceptable, it won't be so.

MR. GOODELL:
It seems to me that's the way to go.
One other point too, in regard to the South Auditorium Urban Renewal Area, the reason their floor area ratios are so low is that they are using larger sites and they are going up, so we're back to that comparing apples with oranges again.

MR. SHELDON:
All right, everybody understand the motion on the floor. Rod, I'm not even sure you were--you were out of the room briefly during this but essentially Ernie in response to a question from Marjorie suggested that he would like to see some action on as many of these items as possible. So, we're discussing the height limit and the motion on the floor would essentially not accept the staff recommendation of 450 in the 15:1 F.A.R. but in fact substitute Stan's recommendation with the understanding that we would review any specific problems that result from it. At this point I would like to ask you if you have any comment that you would like to make relative to the motion on the floor.

MR. O'HISER:
No.

MR. BONNER:
We've got a height limit of 185 feet on that property.

MRS. GUSTAFSON:
But that's quite a bit more than 3:1.

MR. BONNER:
That's in combination with the 3:1.

MR. SHELDON:
Wouldn't the 3:1 govern. I mean, if we slap a 40,000 square foot base under all the property in the downtown and a man who was owner of that property and wanted to know how high he could go, it seems to me, I guess I'd say the F.A.R. would govern. The height is a secondary kind of consideration. So, then you've got 40,000 times the 3:1 F.A.R. and it depends on the size of the floor.

MR. BONNER:
It would appear to me that Stan your language is in those places where is not a height controlling limit, a specified limit, then the limit is established by the 40,000. You're not talking about putting that everywhere because you have height limits in some areas.

MRS. GUSTAFSON:
That's acceptable.

MRS. ROSO:
I would also reconsider and put that back to 4:1, now that we know where we're at.

MRS. GUSTAFSON:
Well, but the other would take care of it because there may be other places which have the same problems.

MR. SHELDON:
Let's have your motion.

MRS. GUSTAFSON:
I withdraw the other one. My motion would be that we impose in all areas where there is not a height restriction that we rule that 40,000 square feet will be the maximum lot upon which F.A.R. can be based for height.

MR. MINDEN:
I will second that.

MR. SHELDON:
All right, everybody understand the motion.

MR. SHELDON:
All right, any further Commission discussion? Call the roll.

ACTION: The roll was then called on the motion by Mrs. Gustafson, which was seconded by Mr. Minden, to impose in all areas where there is not a height restriction, a 40,000 square foot lot maximum upon which F.A.R. can be based for height.

Ayes: Sheldon, Gustafson, Katz, Minden, Roso, Shannon, Wessinger

Nays: None

Motion carried unanimously.

MR. SHELDON:
Let's go on to surface parking. I think that was the next question you raised, Ernie.

MRS. GUSTAFSON:
I have a question. It seemed to me that you made a pretty strong case that you're doing all kinds of research to find out what is the situation with surface parking. Ernie suggested that we simply decide whether or not we're willing to recommend anything beyond keeping all the logs at a non-conforming status because that's what Council wants. What's your reaction.

MR. O'HISER:
The research we're doing we've about concluded just to see what the dimensions of the problems are and to separate them by those categories so that it is consistent with the Parking and Circulation Policy. Now, we're down to really the purple facilities there and gives us some idea about what a program might be and the dimensions of that program. I think we can still probably decide--make some kind of a judgment here of whether you feel attrition, Stan's approach, would take care of the issue, or whether or not we should kind of attach this revocable permit status to it to kind of give some impetus to attrition.

MRS. GUSTAFSON:
I'd like to say although I'm very eager to get this stuff done, it seems to me that we have not had any dramatic presentation of what the alternatives would, in fact, be for anything other than keeping things as they are now. I mean any kind of way you could have a program

MRS. GUSTAFSON (CONTD):
eliminating anyway that you could fairly get rid of existing lots and maybe when you look, you'll see that there isn't anyway, but I hate to preclude the possibility before we get some kind of systematic approach. Do you see what I'm saying.

MR. BONNER:
Well, I was arguing that it was a matter of principal. I would much rather evoke on a hard and fast rule with new surface parking lots, and let the people who are there alone. The thing that I am most concerned about is that, is more the new that keeps coming, that keeps slipping in.

MR. SHELDON:
You're suggesting, in fact, the language ought to some way flag that as a real problem and we try to address that issue rather than the existing lots.

MR. BONNER:
The language in the Parking Policy and the language that's proposed in the Downtown Regulations that if it can be shown that such and such a parking lot is in substantial conformance with downtown goals and guidelines...then it shall be approved. Well, I would like to tighten that up. I would like to make some very, very specific things that have to be met, conditions that have to be met.

MR. KATZ:
For new parking.

MR. BONNER:
For new surface parking and in a sense get off the backs of people who are already in there.

MR. KATZ:
I'm persuaded by the political realities of it and I do agree that if, in fact, the Council isn't going to pay any attention to it, you don't want to spend a lot of time wasting our time. But, the most offensive thing that I see in respect to present surface parking lots is the fact that so much of it is totally unlandscaped all together. There is not screening whatsoever and I don't think it constitutes a very substantial taking if we require the existing surface parking lots that they be at least modestly screened; that some initial attempt be made to make them at least a little less harsh, a little more harmonious with what we envision downtown ought to look like. If you see the difference between a new one and an old one, you almost think that new ones are the most attractive things

MR. KATZ (CONTD):
coming down the pike. The two side by side, and there are a number of them in the Portland State University area, new ones that are screened very attractively. It's a pleasant place to walk by. You see they are landscaped, there are trees in and out, and it doesn't take away, I don't think, and excessive amount of parking space to do that. True, they can't go right up with a fender or bumper up against the lot line but they can come damn close. I wonder if we can't do both. I don't mind hitting the new ones coming in, and I think we ought to be hard about that, but something has to be done about the existing ones which really are as close as you can get to blight now and not call it blight.

MR. SHANNON:
I would like to suggest that we look at amortization and whether we do anything else. We don't have to say that anything has to be in amortization but there be a policy stating that this is how long it takes to amortize and owners be on notice that that begins at "X" date. That gives you plenty of time to plan and you can tie it into amortization, improvements made in landscaping. That's to say that landscaping would be given so much opportunity and what when you made your formula.

MR. KATZ:
Any investment in the thing would extend the period of amortization out.

MR. SHANNON:
I don't know that I've got it specific enought to talk, but if I made a motion it would be to set down a deadline, an amortization period to begin now for the purpose of putting owners on notice that it is beginning now and that in addition to that, that consideration be given in the amortization policy for landscaping or improvements for visual--however you want to call it.

MR. BONNER:
What happens at the end of the amortization period?

MR. SHANNON:
That's not decided. We don't know. It could just say that it will continue that way, but the point is, if we say five years from now, O.K., let's now make them revocable uses and they say, well, does the amortization period start five years from now.

MR. KATZ:
Are they going to feel so threatened by any kind of amortization policy that they would go to the City Council and the City Council shoot it down in flames.

MR. BONNER:
If you're going to make an amortization period, you should say what happens at that period.

MR. KATZ:
An amortization period would put people on notice. Then when that period lapses and the time comes, you have options. At least there's no taking after that, they've been on firm notice that their property....

MR. SHANNON:
We may decide to do nothing but it may be that within the next five years we'll decide that we do want some conditional uses.

MR. KATZ:
A freeze, not a taking.

MR. SHANNON:
I have nothing wrong with you're idea of putting--let's say, you say put a freeze, but put a freeze onto new lots.

MRS. GUSTAFSON:
I have a motion.
I would move that staff at our next meeting come back with specific language on 1) tightening up regulations, specific requirements, tighter requirements for regulations for new surface lots, 2) specific language about imposing landscaping requirements on existing lots, and 3) specific language about creating an amortization period, time period.

MR. SHELDON:
Is there a second to that motion.

MR. SHANNON:
I'll second it.

MRS. GUSTAFSON:
Three things, get language about making it tougher for new lots, get language about imposing landscaping on existing lots like we've done on gas stations or we're imposing rain cover, same thing, and three, language about amortization.

MR. SHELDON:
Which I presume would derive some of its background from this study that's been made, reference to, with no implied cancellation at the end of that period.

MRS. GUSTAFSON:
But I think it's better for us to discuss specific language.

MR. KATZ:
No matter what we do about amortization, whether to accept it or not, this landscaping thing might also be done with a time certain. I mean, give them each a time within which to perform, not necessarily as in the case of signs, a time within which all signs have to be eliminated out of certain areas, I don't mean that, but a time limit within which they have to perform with respect to certain standards of scenic or landscaping screening.

MR. COOK:
There was one parking lot that I think was permitted by the Council and it was turned down by the Planning Commission and there was nothing by the Planning Commission about landscaping, the Council didn't say anything, so it's essentially going in with very little landscaping. So, if new lots are permitted they should have that requirement too.

MR. SHELDON:
I think that the gist of it would be that a standard of landscaping would be developed for all parking lots.

ACTION: The roll was then called on the motion by Mrs. Gustafson, which was seconded by Mr. Shannon, that the staff be directed to come back at the next meeting with specific language pertaining to 1) tightening up regulations and making specific requirements for regulations for new surface parking lots, 2) specific language about imposing landscaping requirements on existing lots, and 3) specific language about creating an amortization period.

Ayes: Sheldon, Gustafson, Barnett, Katz, Minden, Roso, Shannon, Wessinger

Nays: None

Motion carried unanimously.

MR. SHELDON:
O.K., are you going to go back?

MRS. GUSTAFSON:
Yes, we forgot PDC heights, so I have another motion. My motion would be that we allow the third tower

MRS. GUSTAFSON (CONTD):
whatever it is...

MR. SHELDON:
Isn't it Grant Tower.

MR. COOK:
Madison.

MRS. GUSTAFSON:
The Madison Tower but that we not give special dispensation to PDC for the two blocks...

MR. SHELDON:
Blocks 131 and 115.

MRS. GUSTAFSON:
Right. The basis being it is very bad public policy to say do as we say, not as we do.

MRS. ROSO:
Second.

MR. SHELDON:
All right it's been moved and seconded that we essentially make an exception of the Madison Tower...

MR. SHANNON:
Why are we considering this special. We're going to come back with this total thing drawn together and--now you're taking a specific case almost out of--and not applying it as a case but in a legislative type proceeding. If you're going to talk about exceptions, let's talk about all the exceptions at which time when this thing is going to be meshed together, not talking about it today.

MRS. GUSTAFSON:
The bank, isn't that an exception that we've already talked about.

MR. SHANNON:
Except we didn't act on it.

MRS. GUSTAFSON:
I would suggest that we take a sense of the Commission then. All I want is for us not to have to discuss it all again, and the sense of the Commission would be that when the time comes to revise the policy that we take that action.

MR. SHELDON:
I think that's reasonable. I think there's been a correspondence and if we can answer the question now rather than putting it off, let's do it.

MR. SHELDON (CONTD):
Why don't you re-phrase that as a sense of the Commission.

MRS. GUSTAFSON:
All right, that the sense of the Commission that when the development regulations are put in their final form that we not--you do it.

MR. SHELDON:
All right. That we will recognize the prior commitment to the Madison Tower within the Terwilliger View Corridor but that it is the sense of the Commission that the Vista Tunnel View Corridor height limitations would remain on the two blocks that are under control of PDC.
Is there a second.

MR. SHANNON:
Second.

MR. SHELDON:
Rod, do you have some comment on that.

MR. O'HISER:
I was just going to inquire about whether or not you are concerned that the project--maybe you're going to address this or maybe you're not concerned--but the project does have a varying array of F.A.R.'s and actually in many instances lower height limits than what we would be allowing in our book. They have a 3:1 where we allow a 6:1, 90 foot height limit, where we would allow a....

MR. SHANNON:
If they are more restrictive, they can be more restrictive without being in conflict with us, isn't that right.

MRS. GUSTAFSON:
If you want to come in with language doing what Mike suggested which was to make our position compatible with theirs, then you ought to come in with specific language and we'll do that also at the final.

MR. SHELDON:
Stan?

MR. GOODELL:
I'm wondering. You've identified one which is Madison Tower. Would it be proper to include the known situations, i.e., Portland State Library, i.e., Pacific Northwest Bell's structure on Burnside.

MR. SHELDON:
I would no because we need to check on that library situation to find out how many square feet on a floor. It may well be that they can perfectly live within the 6:1--it may not be a problem for them.

MRS.GUSTAFSON:
I think there should be a check before the final, not to include the library, but any situation--not in which somebody just plans to build eleven stories but in which there has been official recognition of a development that would exceed the standards we're imposing in this.

MR. GOODELL:
It's very difficult because of the old 12:1 or the main part of downtown, I can enumerate several buildings that were built with footings and foundations based upon the old 12:1 floor area ratio. Now, as a practical matter, very few buildings once started ever get built beyond the first increment.

MRS. GUSTAFSON:
You know what we're talking about--not everything anybody ever wanted to do.

MR. GOODELL:
It would be an extremely difficult thing to do.

MRS. GUSTAFSON:
There are surely cases--the phone company, the library and there may be several others in which official recognition has been given something that would conflict with this and we ought to know about it.

MR. SHELDON:
Any further discussion on the motion.

ACTION: The roll was then called the motion by Mrs. Gustafson, which was seconded by Mr. Shannon, that it is the sense of the Commission that when the development regulations are put in their final form that the Commission will recognize the prior commitment to the Madison Tower within the Terwilliger View Corridor and that it is also the sense of the Commission that the Vista Tunnel View Corridor height limitations would remain on blocks 115 and 131 which are under the control of the Portland Development Commission.

Ayes: Sheldon, Gustafson, Katz, Minden, Roso, Shannon, Wessinger

Nays: None

Motion carried unanimously.

MR. SHELDON:
O.K., let's go to Design Review.

MR. LEO WILLIAMS, BUREAU OF PLANNING STAFF:
I trust you have all received a color coded copy of the design review thing sometime yesterday. The three colors mean--the first section, the brown section, is the ordinance itself. It's a change from the Livingston and Blayney. The blue section outlines the procedures that we would use and how it would be implemented. It's suppose to be the cool methodical system or mechanism. The red is the prices and that indicates staffing to operate this kind of a design commission.

There are several actors in this revision and in the original Livingston and Blayney thing and I might invite Mike to come up here for input and Stan too.

I might emphasize the differences that we're proposing here as opposed to the existing ordinance that we have now and that I tried to outline in these six points called a synopsis. We start that with the purpose and it has in general been broadened and with more of an environmental kind of statement and we included a few more things and we can get into that if you want to walk through step by step with the ordinance later.

The body we have changed from a committee to a commission. Originally the way it was set up as a committee just to deal with the design zones only and with the commission connotation why it's getting into a much broader urban design staff and we're dealing with urban design issues. Also, as you will see, we've included into this document review of public improvements and we think this is very critical. It was not in the Livingston and Blayney report and to make this system fair we think we ought to have the government live by the rules that it sets for other people and this would include HDC projects, capital improvements and urban renewal projects. And also Stan was mentioning that also the review would take in all of the existing design zones that we're operating now.

The membership itself, we've changed that. The way it exists now it's five members and five alternates. We're talking about a Commission membership of fifteen and with the mechanism to operate design teams which would be selected of three, five and seven--three, five, seven and nine members and we can into later what the number really means. Then there's an allowance of three additional

MR. WILLIAMS (CONTD):
members and this is to in some cases pull in an outside consultant from another city if that's required or the allowance if you have a representative from a neighborhood, if we have a neighborhood project, to sit in on one of these teams. Of course, the majority would always be of the commission members but yet they could accept just one of these three people in special cases.

We've added a new section specifying functions and duties of the commission. This was never there before and it's kind of a broad scale section showing what the commission would be obligated to do and what the responsibilities would be.

I've already touched on number five which deals with public and capital improvements. I didn't mention special assignments. This is what this Commission we're speaking to today is somewhat guilty of on referrals, we also absorb those.

The idea of the commission is to consolidate the various review processes that exist and that we're proposing the capital improvements review, etc. But to consolidate it so that it's one commission doing it with one staff and so it's much easier for developers to come in and follow a process.

Rod mentioned earlier in the day that in the downtown area we have two historic districts and the Landmarks Commission would be responsible for those. It would not be a design zone. There wouldn't be two bodies reviewing a project within there. The way the landmarks ordinance is set up, why, it's at the option of the landmarks commission to request help from a design review commission, which they probably will do and it will, of course, be the staff's responsibility to coordinate all of this and will just be our procedure in some cases to have joint meetings for a single presentation so that a developer wouldn't be required to go to a couple of different sessions.

I might mention some of the differences that this brown ordinance is also different from the version in Livingston and Blayney and we reorganized it into what we feel is a more logical sequence of sections so that it follows through. Before, and I must admit, the Livingston and Blayney thing followed the old ordinance pretty close and it followed that language. We also tried to clear up so that we don't get the hitherto fore's and etc. so it's more understandable to the general public.

I've already mentioned that the scope and responsibilities are broadened in general. One thing that we struck was compensation for the membership. This was in the Livingston and Blayney report.

MRS. GUSTAFSON:
Where are you?

MR. WILLIAMS:

Actually I'm on the front page, Marj, and I'm just kind of shooting at random at what we've tried to change overall and if you like, we'll get into the ordinance and go step by step and go through the language and if there are requests for why it's there, why, we'll try to answer them; if you feel it should be changed, we'll make those notes. What I was trying to do was just summarize generally taking from what the existing ordinance is and what the Livingston and Blayney ordinance is and what the changes from those two have been.

MR. GOODELL:

May I interrupt. I have to pick my daughter at five o'clock and there's no way that I can stay more than a few minutes and I'm sorry to interrupt you. There are a couple of things I do want to say.

One, is a matter of background. The planning process for a design review ordinance has been going on two and a half years now and it's back and forth, Bing's been to meetings and so on and so forth. I am not suggesting that anything other than there has been a wide input and we've just been kind of zeroing in on it now. I personally am very comfortable with the ordinance as it is written. There are some things I perhaps don't agree with as much as others but I'm still very comfortable with it. The design team concept--a team will be appointed for each project that is subject to review because it is a much broader responsibility.We thought that this was by far the best way to go and I think it will upgrade the people who are reviewing specific projects. It will free them so they can zero in on something and they won't have a long agenda and just for a lot of reasons I think this is a good concept. As Leo indicated, it allows for outside people to be brought in and made a part of the team and I think particularly for the various "D" zones and referrals where neighborhood action input is needed I think there is a good identity thing created by singling out somebody in the community to sit on the commission and add the input.

The semantics of the verbage whether it be a committee or a commission is totally inmaterial to me. I really don't care what you call it. And that's basically the sense or feel that I have on this. I think it is extremely important that with the ordinance goes a commitment to about the level of funding indicated by Leo in the pink. I don't see how this can be administered with much less. The responsibilities particularly at the beginning in coming up with guidelines for design review is going to be important and needs to be done quickly by the ordinance. And I'm sorry for interrupting you Leo. I should run in a couple of minutes and if there are any question you have that you want to direct to me. I'm sorry, I feel I have

MR. GOODELL (CONTD):
invested a lot of personal time, effort and energy in this and I hate to run right at the time when it's about to be hatched.

MR. WILLIAMS:
I might mention, Stan was talking about the semantics of whether or commission or a committee. One of the reasons we chose to say it was a commission was that these appointments now, as we're suggesting, would be made by the Mayor rather than by the President of the Planning Commission.

MR. SHELDON:
You never did touch or finish explaining whether or not the compensation was going to be a part of the...

MR. WILLIAMS:
There was quite a debate. We felt, I don't know, there are others that may want to speak about this, that probably the political climate right would not take a paid commission of these many people. We felt that Portland is unique. There is a lot of really support by the professionals, etc. and we don't really feel it's needed. I might mention in the makeup of the commission we have citizens-at-large and feel that this is very important and so this raised another issue. Do you pay the people that are architects or landscape architects or professional engineers and you don't pay the people that are considered a citizen-at-large.

MRS. GUSTAFSON:
Your paid before was for out-of-town people.

MR. WILLIAMS:
There's still that provision. In a special case where we need a unique person, why, that provision is there. We can hire them and bring them in.

MRS. ROSO:
I have a question. It says, "and citizens at large" does that mean as regular members of the design commission or just pulled in.

MR. WILLIAMS:
No, that's regular members.

MR. SHANNON:
One thing that bothers me reading this ordinance is that I cannot from the purpose or from your duties or functions tell if I go into building, what I'm suppose to do. Now, I know what we've referred to you but I've never participated on the design committee and what is it that tells me as a building owner, hey, you've gone over

MR. SHANNON (CONTD):
your bounds and now you design my building as opposed to now you're giving me ideas. Your purpose is extremely gentle. It just doesn't tell you anything and your duties and functions simply define by what properties you look at.

MR. WILLIAMS:
O.K., I think Stan mentioned that in each design zone there are guidelines that we go by and that's what regulates design zone. If we're dealing with public improvements, those are going to be a case at a time, so we're going to have to have general guidelines. But those things have to be laid out and be fairly specific to give people guidance. But a property owner, if you're in a design zone, why, you're not issued a permit until you go through the design review procedure.

MR. SHANNON:
I mean, you're putting more and more problems. For instance, if you put this in for a building of 20,000 or more, well, obviously I'm not going to build a building for 20,000 or more square feet unless I've really hired who I think is a good architect and I've gone through an engineer and I've got some professional expertise in that thing too. Now, lots of times we've put in because the traffic flow is not right or some other suggestions coming out of the Commission but you say each area has got it's ball. I think this ordinance has got to be more specific as to what you can look and what you can't look at and maybe you've got too many things covered here too. You're saying from what you have a five man committee and now you're ballooning this thing and more staff and maybe you've got to have it but you've also greatly expanded the process. I think we have to look at that very carefully that we keep it in perspective.

MRS. GUSTAFSON:
I have to tell you after a year on the design committee, you do not have to worry because a committee of local architects and experts are very careful about picking too much their cohorts. In fact, exactly the opposite, as far as I can see, because the existing design committee is the exact same thing. You can talk about anything. You can talk about surface, you can talk about the shape of it, the look of it and nobody's ever accused the design process of being over zealous in changing any design, would you say?

MR. WILLIAMS:
No, Dave, I think there have been two appeals in the last fifteen years.

MR. SHANNON:
All right, but nevertheless there...

MR. WILLIAMS:
And that says something too.

MR. SHANNON:
There have been several cases where design committees have been set up---now I'm not talking about Portland--where innovative either housing, which by design were not allowed because they were too different from the other, or just the buildings were too different, and it may be because Portland is the way it is that there will never be a problem but I don't like to see the protection not put in that somebody can't.

MRS. GUSTAFSON:
There is appeal.

MR. SHANNON:
But on what grounds. They don't have to have any criteria for what they decide.

MR. SHELDON:
Yes, point (d) on page two, "The Commission shall within 180 days of the effective date of this chapter adopt and publish standards of evaluation and acceptability for each design zone and where appropriate...."

MR. SHANNON:
I think that has to be part of the ordinance.

MR. SHELDON:
It is.

MR. SHANNON:
No, the commission makes this determination. They say, O.K., commission you set up the designs and then you've got them, see.

MRS. GUSTAFSON:
Yes, but we did that with halfway houses. We didn't write anything into halfway house regulations what their specifications would be.

MR. WILLIAMS:
You see, there may be other designs coming along too and you'll have to set up those standards and the down-town is a good example of different kinds of conditions.

MR. WILLIAMS (CONTD):
We're going to have to have to have special conditions for certain areas of it although it's one design zone. The Broadway area is much different, say, then other parts of the town; or the...

MR. WESSINGER:
Bing, I'm confused on this major projects definition. Would Forest Park Estates come under this and/or would Habitat Two come under this.

MR. KATZ:
Could, if it were made into--if a "D" zone were superimposed on it, it could. This doesn't exclude any area in the city from being put in a "D" zone.

MR. WESSINGER:
What I'm trying to get at on this thing is how many projects at a given time do you estimate that we would have running in the city under a normal...

MR. SHELDON:
That would have to go through a process like this?

MR. WILLIAMS:
On the last sheet we're projecting from what we know right now around 252 cases that the design commission would handle a year, and that's broken down.

MR. MINDEN:
About twenty percent of the permits issued.

MR. WILLIAMS:
Well, I think there are a little over 7,000 permits issued in the city a year. And another thing, there's no handle on that material. We can't extrapolate and really make a good estimate. We estimated that roughly 500 permits were issued for the downtown area. Approximately 100 of those permits would require design review.

MR. WESSINGER:
The thing that I'm thinking about is at the present time I'm hearing more and more from all types of developers a feeling that delay, one committee after another type of thing, and if it's really worth it to work toward a one-stop agency, fine and dandy, but as we get onto page 2 of the blue sheets and we start talking about the downtown

MR. WESSINGER (CONTD):
plan staff, the historic landmarks staff, the Portland Development Commission staff, you have to run through a million different things, are we really going to be making this easier or is just going to be one more agency to slow up things.

MR. WILLIAMS:
That would not be the responsibility of the developer, that would be part of the staff coordination to hit all of these, get a consensus so they know where they're going.

MR. SHELDON:
The theory here is to actually pull together...

MR. WESSINGER:
It's whether the theory works is the thing that...

MR. WILLIAMS:
It works if you have the staff. If you don't, it doesn't work.

MR. WESSINGER:
Because some people are really getting exercised on--not just the city bureaucracy but also the federal and state.

MR. SHELDON:
I agree, Bill, but I also know of a case where the design committee in fact turned somebody down. I don't think we need to be specific in using it as an example, but I also happen to know the man who owned the property. He gave an option to a builder. The builder proposed a solution which in my opinion, and I had nothing to do with the case at all, except that I happened to know the owner. It's a project which should have never been built. The design committee effectively turned it down. The option was dropped. The owner of the property agreed that this was a bad thing, that it shouldn't have been built and was quite happy that a public agency, in effect, turned it down. And he will attempt to find another developer for his property. That's very rare. I agree that that owner probably under ordinary circumstances would have been upset because he will have more difficulty. But that clearly indicates,in my opinion, having looked at the plans that the builder proposed that everyone of us on this Commission would have been very upset if it had been built as proposed.

MR. WESSINGER:
Bing, I'm not arguing that at all. I really am not. It's simply that I think that setting this up we're going to have to be careful how the thing is handled.

MR. SHELDON:
I think the only thing you can say is that the case in point, at least as it is exhibited, it is my understanding that there have been virtually no appeals, that the design committee has bent over backwards and been accused of being wishy-washy, spineless, and I've heard all kinds of euphemisms attached to it,to avoid that kind of conflict. This is one rare case where I know where it was finally resolved that there was no resolution and I just happened to know this owner who felt that it was the right public decision and that's a very unusual circumstance.

MRS. GUSTAFSON:
Essentially what you're doing is you're saying you'll cover more cases, you'll have essentially the same design review system that you have except that more standards will be explicit and you'll have a bigger body of people from whom you will chose sub-committees.

MR. KATZ:
And they have a little more authority. For example, they have some authority over some things that the present design committee doesn't have, like color.

MR. MINDEN:
I had an opportunity to sit on the design committee last year and I felt a little like you, Dave, but after serving on this for awhile, believe me, that's the biggest help to public that you ever saw. It's a good help to the public.

MR. KATZ:
The design committee.

MR. MINDEN:
Yes. I sat on it quite a few times last year, I was an alternate on it, and was on quite a few cases, and I never saw a single thing that was in really good taste that was turned down or slowed down, and I particularly like this fast-track clause. I think that should be really developed.

MR. WILLIAMS:
Well, it mentions in there, in the procedure, that in some cases it's not going to take a committee of three, it's going to take the chairman--the agreement of

MR. WILLIAMS (CONTD):
the owner, and the chairman, and the staff that this thing doesn't need to go before a really formal review--we can fast track it or get rid of it really, and there are a lot of those cases.

MR. MINDEN:
I would hate to see anything happen to it so it would become an obstruction. It is one more thing to go through.

MR. WILLIAMS:
The other point I want to really emphasize is the public improvements and we're trying to get a handle on that and the way we've set it up is that it will be a review procedure by this commission prior to any adoption by the City Council. They will review the proposed HCD project and the capital improvements and the urban renewal project and the commission will go through them and say we think this one should have a design review and we would recommend that to the City Council. So, when the City Council adopts, you know, those projects that they are going to have for the next fiscal year, at that time they can say, yes, it should have design review and it will be their determination but at least they'll have some advice.

MRS. GUSTAFSON:
And maybe you can get the staffing you need by building in a little more money for a one-stop operation.

MR. COOK:
Mr. Wessinger, I think one of the answers to the question you raised is in the appointment to the commission itself and also the procedures and regulations that have to be adopted by the commission.

MR. WESSINGER:
I am sure that it can work.

MR. SHANNON:
Mr. Chairman. I don't want to misunderstand. I have belief in the existing staff; but I think, one, that,for instance, the regulations should be adopted either by City Council or ourselves and not the design commission. I don't think we're the appropriate body but that I would prefer to see the staff and in a sense assure us what they're looking at and what they're not looking at because they is a temptation of anybody to think being good natured or not to say their public interest stands further than other people might feel. And I would also wonder if--I'm sure there's a good thought put into purpose and maybe purpose clause is different than function clause but I have a hard time knowing what you mean when you say it's the purpose

MR. SHANNON (CONTD):
"to raise the level of community expectations for the quality of the environment; and for the purpose of assisting property owners to maintain the environmental harmony of their neighborhoods and to promote those qualities in the environment which bring value to the community, regulatory controls and administrative procedures". I can't apply those--I assume those aren't standards.

MR. WILLIAMS:
They're not standards; that's the purpose. If you read the existing purpose, it's fairly narrow. We've tried to broaden it and give it an environmental kind of general statement before we get into the nuts and bolts.

MR. MINDEN:
In many cases it saves the owner money.

MR. SHANNON:
I appreciate that and there's a lot of free advice giving that they couldn't get elsewhere and I know many times I've been delighted that things have been referred to you to solve problems that we couldn't solve. You misunderstand what I'm saying.

MR. WILLIAMS:
And there are some things that you shouldn't have referred to us, too.

MR. SHANNON:
Right, but whatever. You've performed a function which we are grateful for and I'm sure you will continue to do that. At the same time I think you've got to respect that there's guidelines--I'm a brand new owner and I've got a foreign architect on this thing, doesn't know anybody or whatever, and I'm not a member of any group and I'm trying to think, hey, what does this mean, what is the criteria that my architect has got to follow, and what is the reason of your guidelines and I'm able to identify it by this document and it's one that is inherently reasonable.

MR. KATZ:
What Dave says, I really am persuaded by that.

MR. WILLIAMS:
Are you saying, Mike, that these guidelines should be part of the ordinance.

MR. KATZ:
Right.

MR. WILLIAMS:
O.K., I think we need further discussion on this and I think maybe some of the other people ought to be here.

MR. KATZ:
The standards of evaluation. The standards that the commission is going to be using to evaluate and judge the appropriateness and merits and demerits of a project submitted for their review. I want it to be non-discretionary and it ought not to be set by the commission but rather in the statute so that they can follow the statute's standards.

MRS. GUSTAFSON:
That's not the way anything aesthetic happens. Either you're going to say you don't want any aesthetic like you're always saying.

MR. KATZ:
Yes, I certainly am saying that--I want to be consistent.

MRS. GUSTAFSON:
But this is design review and you can't say everything to be the same...

MR. KATZ:
It is design review. I hope everybody understands what this thing does say. For just a second I address your attention to two items which is nuts and bolts, the heart of this whole thing. One is on the bottom of page three. It is 33.62.050 (a) and it says, "The City Council may from time to time as warranted, create and superimpose D Design Zones upon other existing zones...." That's exactly what the present statute says, right, there's no difference there. They can impose on any other zone a D Design but everything else is on page 4, the first full paragraph, subsection (c) and I really think that's worth reading and reading word for word because that is what is going to be controlling there. "Proposed projects within D zones must be submitted to the Design Commission for review at the schematic design phase, and in a D zone, all the regulations of the regular zone shall apply. No building permit, sign permit, or other permit for construction or alteration of any building or structure or the use of any land shall be issued until proposed plans are reviewed and approved in writing by the Design Commission. Any change or alteration in color, design, or other exterior treatment which does not require a permit from the Bureau of Buildings shall be submitted to the Commission for review and approval. The Commission shall have the authority to require changes in appearance of the proposed

MR. KATZ (CONTD):
building, structure, alteration or the performance of the proposal and to impose such conditions of development as are necessary in its judgment to carry out the purpose," and the purpose was in the section that David alluded to which was very broad, that's to elevate our expectation of environmental quality. Well, does that mean that it goes back to the Frankenstein red and the Banana yellow on Front Avenue.

MR. WILLIAMS:
You brought it up.

MR. KATZ:
I didn't bring it up, because I know it's been before the Historical Landmarks Commission because it's a Historical District now.

MR. WILLIAMS:
This is the same language.

MR. KATZ:
No, it isn't. I can tell you the word "color" doesn't show up anywhere.

MR. WILLIAMS:
It's covered in the exterior changes.

MR. KATZ:
But here it is put in specifically, which suggests that somebody was suspicious about what the did or didn't have.

MRS. GUSTAFSON:
This is exactly the same thing they do.

MR. KATZ:
And if that makes you feel comfortable, then I think you want to vote for it, but if makes you feel uneasy, as it does me...

MRS. GUSTAFSON:
You'll never get a set of regulations that tells everybody what happens if they have a gas station or an apartment house or a sign that we don't like pink and purple or we don't care for red and green.

MR. WESSINGER:
Mike, I'm not sure I know what you're shooting for.

MR. KATZ:
Let people alone.

MRS. GUSTAFSON:
You mean you don't want design review.

MR. KATZ:
That's right. I just want to put in a pitch for a liberatarian view and let things develop with a maximum opportunity for diversity. I feel for diversity.

MR. WESSINGER:
In other words, not have this at all.

MR. KATZ:
I don't like a bunch of architects sitting around deciding what all the architects in this community are going to be doing.

MRS. GUSTAFSON:
Then that is a separate item.

MR. KATZ:
I was supporting David and I want to continue to support David and I want to do what we just suggested ought not to be done for the City Council if my global appeal fails. On a next step level; on a fall back option, I want you to consider carefully what David suggests.

MR. WILLIAMS:
Remember one thing is that you're dumping a lot of the development regulations things unto a design review body for the idea of flexibility because you felt some of those things were too rigid.

MRS. GUSTAFSON:
This is not prospective stuff like a dam, dam and irrigation...

MR. KATZ:
No, this is just letting people build things that are offensive to some people but not for them. Colors that offend some people but don't offend other people. Things that are aesthetic to nature and subjective and judgmental are not the kind of thing where you want to have, I think, an official body prescribing how Portland is going to look.

MRS. GUSTAFSON:
Why do we establish a height or a density or bulk or rain cover, or anything.

MR. KATZ:
It's only when you do substantial and I mean clear cut damage, injury to others that you have an

MR. KATZ (CONTD):
opportunity to interfere, but if it's a matter of aesthetics,and that's what we're talking about, design.

MRS. GUSTAFSON:
And the Franz Bread sign was aesthetic?

MR. KATZ:
I beg your pardon?

MRS. GUSTAFSON:
And the Franz Bread sign, or whoever's bread sign, was the same.

MR. KATZ:
No, that bread sign is to Mr. Franz as--no, I can't stand it. But it is to him is "pride and joy".

MRS. GUSTAFSON:
And you voted to eliminate it.

MR. WESSINGER:
As a public body.

MRS. GUSTAFSON:
This is pure hypocrisy and I can't say it because you're not downtown. You working at the Lloyd Center and see this Franz sign, so you vote to eliminate a Franz Bread sign because you don't like it, but you don't care what anything looks like downtown.

MR. KATZ:
If it's pure hypocrisy, and I'm not prepared to challenge it. Since you voted against it on the Franz Bread sign, I trust you will vote with me on this one. It was agreed that I was excepted in demanding the demolition of that sign across the river. If that's the case, at least, we ought not to have control over all of these.

MR. WESSINGER:
Dave, now we've found out what Mike wants, I'm not sure what you want.

MR. SHANNON:
I want the regulations for each district and the criteria set down to be approved by probably the City Council. It may be that the design committee will make recommendations about that's the wrong for example, and we don't really want that, and the guy will accept it, but they can't use that as a criteria for saying, no, this building does not pass, therefore, you do not get the sanctions that you have posed. So, I'm saying that if we have this body, by the City Council, and I don't think we're appropriate--if they're going to be a commission, they're going to be equal, and it's not appropriate for

MR. SHANNON (CONTD):
us to be reviewing their regulations--that a body is able to scrutinize and review those regulations so that they stay within bounds of what is legitimate to in fact impose sanctions or not impose sanctions.

MRS. ROSO:
Does the thing we just passed this afternoon allowing people to build houses on forty foot lots--does that have to go to Council to be adopted.

MR. VAIL:
Yes. I'm not sure I understand which case you're speaking of. You did a code amendment and the Normandale Park...

MRS. ROSO:
The code amendment. Does the code amendment have to go to Council.

MR. VAIL:
Yes. It's only a recommendation from you to amend the code to allow certain types of, that's now modified primarily...

MRS. ROSO:
O.K., in that same vein then, the code that you're adopting should happen in the Council.
I don't understand what we're arguing about.

MR. WESSINGER:
Well, Dave, I think, wants to have to--and I've tried to find out exactly what he does want--more specific...

MR. SHELDON:
He's saying that the agency which reviews on appeal is the Council, and ought to have,as a check, the standards by which an applicant and this commission that we're talking about will judge the applicant so that, number one, the commission will know where it stands and its review body will know where it stands so when it comes--when an appellant comes before the Council seeking release from the commission's judgment, then the Council will, in fact, say, oh well, yes, and back when we adopted this thing these are the standards, do you meet it or don't you and it won't be a situation where the commission will say, well, our own adoption standards are these and we didn't find the applicant here in conformance so we turned it down. Council would be perfectly free to say, well, those are your standards but ours are quite different and therefore

MR. SHELDON (CONTD):
we chose not to support them.

MRS. GUSTAFSON:
It's not to be part of the ordinance.

MR. SHANNON:
Well, but it is (b). (b) says the commission shall set its own standards and that would be modified so that the City Council would recommend--that they could recommend to the Council...

MR. SHELDON:
But the review is the same.

MR. WESSINGER:
I buy that but the only standards that you can have in something of this type is something that is going to be very general and I don't care whether the Commission writes and the Council O.K.'s them and says, all right, we'll agree these are the standards as you got going on the thing; that wouldn't bother me at all, and then that becomes the standards for both groups but I don't think I want the City Council to be writing those cause I don't think...

MR. SHANNON:
Staff would be writing but if you make it too general, then I think you've got change seats; that is, you've got to take away some strengths and make it a suggestion recommendation body.

MR. WESSINGER:
What would be a standard. Now this is the thing that I get very, very hung up on in something of this kind. Now, we will have height and bulk already.

MR. KATZ:
And there will be compatible color. The color has to be harmonious with the surrounding area. Isn't that what they put in for standards. It's written in here that that's one of the things that they can consider.

MR. COOK:
Can I just read something, like from the South Auditorium Urban Renewal Plan. These are very general things.

MR. WESSINGER:
They ought to be.

MR. COOK:
"The specific use shall harmonize with the existing uses and have no detrimental effect on nearby properties or the project as a whole. Location of structures on the land shall provide the maximum feasible open space so distributed as to enhance the environment of the neighboring properties. The various elements of the plan shall be connected by an internal pedestrian circulation system designed..." Well, that's related to the specific plan. "Parking facilities shall be furnished by the developer shall be located and of such size and design and appearance that they serve satisfy the requirements of this plan." They are very general. I think that the principles in the very beginning, in the statement here, about the environmental quality--I think those could be made to be a little bit more specific and maybe specific directions for each district could be established and adopted by the Council. And then very often what a body like this would do would be to adopt recommended guidelines for the area, and they might print up a little brochure and distribute it to property owners and suggest that this is how the district might be able to fit together and these are the types of design criteria that we would like to see followed in this area. I think that you're right that the Council should say something about what they expect to see in those districts.

MRS. GUSTAFSON:
What is a specific guideline you would ever establish.

MR. SHELDON:
Before we get carried off on this. I have almost five twenty-five. Doesn't the garage close at five thirty.

MR. KATZ:
It says six.

MR. SHELDON:
All right, we're all right.

MR. SHANNON:
A guideline I would suggest would be in concept would be that the exits or access to the building would be such as to--that the circulation pattern wouldn't be obstructed. Now, that would be something that would seem legitimate to me, or something having to do with a functional characteristic or even in certain designs we might talk about, as we have more broader, design in bulk. That would

MR. SHANNON (CONTD):
be more consistent.

MRS. GUSTAFSON:
What do you mean "design in bulk". They shall be bulky or shall not be bulky.

MR. SHANNON:
No. Our F.A.R.'s are bulk design. We've already said that to an extent, but that's the more broader sense. We might even for a particular district get more specific, in the historical, about the type of facade that it will have.

MRS. GUSTAFSON:
Such as?

MR. WILLIAMS:
Incidentally, those are being made by the District Advisory Councils on a recommendation to the Landmarks Commission and they're setting out standards now.

MR. SHANNON:
And those standards if they should be applied to the whole district, ought to be reviewed by a body that says that's an important enough standard to be reviewed by the whole district. When we get into lesser standards, or more suggestive standards, then I don't think they should be standards, but they could well be something that they could be given advice about how they think they should be or shouldn't be.

MRS. GUSTAFSON:
Which is all that does happen.

MRS. ROSO:
That's right.

MRS. GUSTAFSON:
That's exactly how it works. They do not say you must change to purple or you must do it gray because everybody understands the limits of aesthetic advice.

MR. WESSINGER:
Mr. Chairman. It seems to me that this has got to stay awfully, awfully loose. I wouldn't--if there are some things that can be written down, fine and dandy, but I think that the words design commission or design body within itself is an advisory group that can say no, has to have great flexibility and I would hate to see a body of stuff that people had to follow. I think that you can talk about some of the things in general that PDC was talking

MR. WESSINGER (CONTD):
about but beyond that I think we'd be making a mistake.

MR. SHELDON:
Well, it seems to me that the item (b) on page two is in fact addressing that point and the only distinction would be that, as I understand Dave's comments, what he's saying is that those standards, and that's what they're called, standards of evaluation, would be also approved by Council; adopted by the Commission, and probably promulgated by the staff, adopted by the Commission, through to the Council and the Council would say, O.K., and it would be a matter of public record.

MR. SHANNON:
And then I would assume that if they're too general, then it becomes a question of what other sections can you impose if they're too general. Could this city, for instance, take a Transnational Tower. Maybe we wouldn't take it. People screamed about First National, it went through anyway. Maybe there would be some points that they we wouldn't take it--it's not in our bounds to say, other than to debate basic heights and F.A.R. and that's not what--I don't want them talking about.

MR. SHELDON:
What did you hope to acquire from us today in presenting this material?

MR. WILLIAMS:
Well, really this was dumped on your laps yesterday. In fact, that's just when we got it finished. PDC had very little time to review it themselves. I asked Bill Lind in Commission McCready's office to look at it because in that office when Commissioner Anderson, while he was trying to set up a design commission just for a public works, or, public projects, capital improvements, we had indication that we were on the right track. I don't think he's had adequate time to really review it and make suggestions. My personal opinion is that there just hasn't been enough time by all of the actors in this thing to get input and I think probably what we would like from you is your general feelings, and we've got that.

MR. SHELDON:
Would it be useful at this point to have, strike from Mr. Katz, a motion that would indicate conceptual agreement only and that we would expect further review and rewording and that we might approve at some later date a final document.

MR. WILLIAMS:
And this would be part of the development regulations. When you get that final draft, why we could come back and say these are the changes that have been recommended and including your own.

MR. SHANNON:
One other thing. You said that the commitment to this was also a commitment to certain dollars.

MR. WILLIAMS:
That's right.

MR. SHANNON:
And the dollars you're talking about are part of the budget prioritization of the Planning Commission already. Are you taking away something by increasing your staff here.

MR. WILLIAMS:
Right now we have two staff members out of the Bureau of Planning. We anticipate with this consolidation that the person that was responsible for PDC and design review and administering that, that position would be attached down here. We're assuming that we need one more position to handle this load. That would be a new position and maybe that could be paid through HCD funding or through tax increment or maybe out of the General Fund, we're not saying which way, but it's got to be funded, and maybe it could be a combination of all these.

MR. SHELDON:
That would be a question, frankly, for the City Council.

MR. WESSINGER:
I'll so move.

MR. SHANNON:
Second.

MR. SHELDON:
All right, let me, for the record, let's phrase what I think the motion is. The motion would be to indicate conceptual approval of the notion as presented with the change or modifications suggested that the standards referred to on page two (b), would be approved not only the commission but the Council, and that that would be our recommendation. Does that jive with everybody's...
All right. Call the roll.

ACTION: The roll was then called on the motion by Mr. Wessinger, which was seconded by Mr. Shannon, that conceptual approval be given to Chapter 33.62 as recommended by staff, with the modification that the standards referred to on Page 2, item (b) of 33.62.030 would be approved not only by the Design Review Commission but by the City Council as well.

Ayes: Sheldon, Gustafson, Minden, Roso, Shannon, Wessinger

Nays: Katz

Motion carried.

There being no further business, the meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

ERB:eb

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

September 23, 1975

The regular meeting of the Zoning Committee was called to order in Room 200 of the City Hall Annex at 1:15 p.m. by Chairman Gustafson. Present were members Rose', Shannon, Sheldon (CU 71-75 only) and staff member Vail.

CU 71-75 A Conditional Use request by the Housing Authority of Portland, for Activity building with:

1) a variance to waive the required parking for the community (activity) building
2) a variance to reduce the existing parking for the 36 apartments from 16 spaces to 8 spaces
3) a variance to increase the height of a wall in the rear yard, west, and side yard, south, from the allowable 6 ft. to 8 ft. in order to erect an 8 ft. walled court yard
4) a variance to reduce the side yard south from the required 10 ft. to 0 ft. in order to construct the proposed building
5) a variance to reduce the lot area from the required 15,000 sq. ft. to 6,253± sq. ft. in order to use for a community center;

located near 5041 N. Vancouver north of N. Alberta, on Tax Lot 31, Section 22, T1N, R1E.

Mrs. Gustafson declared a conflict of interest in the case and left the meeting. Mr. Sheldon participated inthis case only.

Wes Korman representing the Housing Authority explained that the need for the new structure was to provide ground level activities for the elderly tenant of the complex and surrounding area. Other programs such as Loaves and Fishes, and youth activities were to be included. The building would be open to the general public.

Lonnie Lamar 400 N. Summer was present to speak concerning the need for the building as it pertained ot other HAP projects in the area and the use that would be made of the building.

Jim Douglas 6766 N. Commercial representing the Boise-Humboldt neighborhood group requested a continuance so that his group could review the proposal.

The staff recommended denial of the request. There was no justification presented to warrant the variances requested.

Mrs. Roso moved to deny the request. No second was received.

ACTION: Mr. Shannon moved to defer for 30 days

CU 73-75 A Conditional Use request by Robison Jewish Home, deedholder and contract purchaser Myrtle F. Streiss, deedholder for dining room and parking for a home for the aged, located at 6125 S.W. Boundary, on Tax Lot 18 of Lot 7 and 8, BP Cardwell Tax Lot 120, Section 18, T1S, R1E.

Jim Lunderwold of Zarosinski & Taton Engineers was present representing the applicant. He explained the project to the Committee.

Sam Lissitz, manager of the RJH talked about the need for centralized facilities and of the terrain differences between the proposed parking on S.W. Boundary and that on S.W. Beaverton-Hillsdale Highway.

Patrick Donaldson 5326 S.W. 65 spoke of traffic problems on S.W. Boundary and of potential problems of patients walking in the streets.

The staff recommended approval of the proposed expansion on the north side of S.W. Boundary and denial of the proposed parking on the south side of S.W. Boundary. It was felt that both parking and open space for patients could occur on the existing site.

ACTION: Mrs. Roso moved approval of the Staff Report. Seconded by Shannon. So ordered.

CU 69-75 A Conditional Use request by Lorraine Rankin, administrator for Susan Jane Williams, deedholder, Jean R. Watts, deedholder, Alfred H. Van Domelen and Dirk N. M. Looijenga, contract purchasers; for office in an AO zone; located at 3425 S.W. Corbett Avenue near S.W. Curry Street; on Lot 3, 6, Block 134, Caruthers.

Dirk Looijenga 3043 S.W. Corbett, applicant, spoke in favor of his request.

Corbett-Terwilliger-Lair Hill planning committee recommended deferral until after the Planning Commission meeting of October 16. They felt that the Planning Commission should have more discussion on the plan before making a recommendation. The applicant was against any contiuance because of his pressing need for additional space.

ACTION: Motion to defer for no more than 60 days. Seconded. So ordered.

6467A An Access variance request by Ronald Brown, deedholder; for an access variance; located at S.W. Seymour Court between S.W. 47th and 48th Avenues; on Lots 12 and 13, Block 3, Fairvale.

Ron Brown 7142 S.W. 2nd was present to speak for his proposal. He submitted a letter signed by area residents supporting his proposal.

Mr. Vail explained that under existing Code Regulation, Mr. Brown could build three houses without the need of an access variance if 2 of the 3 houses were kept in single ownership. The variance if approved, would result in 3 salable lots.

John Sabastian, 3825 N.E. 47 stated he was interested in buying the northerly lot from Mr. Brown.

Scott Biddle, 4740 S.W. Hamilton stated he was against the request. He felt that the northerly house would detract from neighborhood appearance and have a detrimental affect.

Mr. Bushnell, 4776 S.W. Hamilton stated he wanted his name withdrawn from the letter submitted by Mr. Brown. He also spoke of drainage problems on the northerly portion of the lot.

Steve Schaffer 4730 S.W. Hamilton supported previous testimony against the proposal.

Debbie Madden 4760 S.W. Hamilton spoke of flooding problems and felt that no house should be constructed on the northerly site under any circumstances.

Thomas Trebbien 3580 S.W. Spring Drive, Hillsboro owner of 4772 S.W. Seymour Ct. spoke against the proposal.

Mike Scanlan 4740 S.W. Seymour Court and Tannert Pinney 4751 S.W. Seymour Court also spoke against the proposal.

The staff recommended denial of the request. It was felt that the request extends beyond the purpose of the access variance. The lots in this subdivision are all over 7000 sq. ft.

A motion to approve and a motion to deny both failed due to a lack of a second.

ACTION: Deferral to full Planning Commission, November meeting.

The applicant stated orally that he would withdraw his request and build two houses on one lot over 14,000 sq. ft. as allowed by Code. He was advised to submit withdrawal in writing. The Bureau of Buildings was instructed to reevaluate issuance of building permit on northerly lot because of flooding potential.

6413 A request to establish city zoning for parcels annexed into the city by Planning Commission Initiation for existing County zoning A2, A1B, R10B, C3-OP, C3; located at Tax Lot 3 and 4 of Lot 25, Highlands Crest Tax Lot 309, Section 6, T1S, R1E (A2.5 proposed city zoning); that portion of Tax Lot 6, Section 6, T1S, R1E, north of the road easement recorded in Book 831, Page 1310, December 29, 1971, east 100 ft. of Tax Lot 303, Section 6, T1S, R1E, Tax Lot 298, 313, Section 6, T1S, R1E, Tax Lot 312, Section 6, T1S, R1E and adjacent southerly portion of Lot 25, Highland Crest (C2BS proposed city zoning); Tax Lot 303, except the east 100 ft, Tax Lot 6 except portion north of road easement, Tax Lots 54, 88, 101, 296, 301, 302, 306, 314, Section 6, T1S, R1E, including the road easement recorded in Book 831, page 1310 on December 29, 1971 (C2S proposed city zoning).

Mr. Vail explained that this proposal was to establish city zoning on an area where county zoning was still in effect. He also explained that comparable city zoning was being adopted.

ACTION: Mr. Shannon moved approval of the proposed zoning as shown on the attached map. Seconded by Roso. So ordered.

6115R Amendment A request to amend Ordinance 135218 by the State of Oregon Highway Commission, deedholder Westside School, Inc., renter, to permit 14 people (originally 12) to attend activity center; located at 6930 S.W. Brier Place near S.W. Barbur Boulevard and S.W. Nevada Street; on south 100 feet of the west 140 ft. of Lot 1, Block 28, Southern Portland.

Abby Kliman representing Westside School was present.

The staff recommended approval of the request. There will be no increase in traffic or staff.

ACTION: Roso moved approval of staff report. Seconded by Shannon. So ordered.

6457R A revocable permit request by Emmel and Claire Kirnak, deedholder; for winemaking; located at 7234 S.E. Main Street; on Lots 3 and 4, Block 4, Taborside.

Mr. Kirnak was present to answer questions of the Committee.

Mr. Vail explained the request had been continued for neighborhood input. He then read a letter from Cindy Banzer of the Mt. Tabor neighborhood group stating no objection.

The staff recommended approval of the request.

ACTION: Shannon moved approval of the Staff Report. Seconded by Roso. So ordered.

6466R A revocable permit request by Terwilliger Plaza, Inc., deedholder First National Bank of Oregon, lessee; for banking facility; located at 2545 S.W. Terwilliger Boulevard near S.W. Sheridan; on Tax Lot 2, Section 9, T1S, R1E.

Mr. Vail explained this request and an accompanying Code Amendment regarding accessory uses.

The staff recommended approval of the request and approval of the Code Amendments.

ACTION: Mr. Shannon moved approval of the request and deferral of Code Amendment to full Planning Commission. Seconded by Rose. So ordered.

Mr. Vail then brought to the Committee's attention the following two items for action:

CU 79-75 A conditional use request by Continental Can Company and Genuine Parts, Inc., for excavation and fill on Tax Lot 112, Section 1 T1N, R1W and Tax Lot 59, Section 2, T1N, R1W, located on N. Lombard.

The Staff recommended approval of the request with a waiver of the fee and public hearing.

ACTION: Ms. Roso moved approval of the staff report. Seconded by Mr. Shannon. So ordered.

CU 83-75 A conditional use request by the Archdiocese of Portland through Holy Rosary parish to cover an outside stairway on Block 68, Holladay Addition, located at 375 NE Clackamas.

The Staff recommended approval of the request with a waiver of the fee and public hearing.

ACTION: Ms. Roso moved approval of the staff report. Seconded by Mr. Shannon. So ordered.

The meeting adjourned at 4:35.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

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COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
9/24/75	2880. Report of the City Planning Commission initiating City FF Zoning for Lots 1 through 56 (all), Macleay's Skyline Homes; Tax Lots 27, 28, 15, and 18 except the north 400 feet, Section 32, T2N, R1W; Tax Lot 19, Section 4, T1N, R1W; and Tax Lots 1 and 2, Section 5, T1N, R1W, located at N.W. Skyline Boulevard from N.W. Ash Street to N.W. McNamee Road, recently annexed to the City. (PC 6388) (2590)	Adopted Planning Commission Report
	2881. Report of the Portland Historical Landmarks Commission in which they propose that one building in the Skidmore Fountain Section of Portland, two residences in the Southwest Section of Portland, and two residences in the Northwest Section of Portland, be designated as Historical Landmarks. (2799)	Referred back to Landmarks Commission
	2882. Report of the City Planning Commission on the petition of George A. Rodway and Omer A. Thompson, deedholders, and Neil B. and Arlene Kelly, contract purchasers, to change from Zone A2.5 to C2, the N. 100 feet of the east 50 feet of the west 110 feet of the east half of the west half of Block "N", M. Patton Tract. Approval recommended. (PC 6459)	Continued one week for viewing
10/01/75	2955. Report of the City Planning Commission on the petition of George A. Rodway and Omer A. Thompson, deedholders, and Neil B. and Arlene Kelly, contract purchasers, to change from Zone A2.5 to C2, the north 100 feet of the east 50 feet of the west 110 feet of the east half of the west half of Block "N", M. Patton Tract. Approval recommended. (PC 6459) (2882)	Adopted Planning Commission report with conditions
	2956. Report of the City Planning Commission on the petition of Alfred C. and Helen E. Hutchinson, deedholders, to change from Zone R7 to A1, the north ½ of Tax Lot 141 and Tax Lot 95, except the north 17.5 feet of the west 162 feet, Section 20, T1S, R1E, located on the south side of S.W. Canby Street at vacated S.W. 42nd Avenue. Denial recommended. (PC 6440)	Adopted Planning Commission report
	2957. Report of the City Planning Commission on the appeal of Henry A. Buehner on behalf of Max G. and Mary E. Runyon, deedholders, against denial of a variance request to reduce the rear yard, south, from the required 6 feet to 3 feet in order to retain an addition to the southern portion of the dwelling on Lots 1, 2 and 9, Block 6, Bridgeton, located at 10 N.E. Bridgeton Road, in Zone C2D. Denial reaffirmed. (PC VZ 157-75)	Continued one week for viewing
	2958. Report of the City Planning Commission on the appeal of Harold and Arlene Schnitzer, deedholders, against denial of a Downtown Plan Review and Conditional Use request for construction of a car wash and automobile fuel sales facility on Lots 3 through 6, Block 265, Portland Addition, located on the north side of S.W. Clay Street between S.W. 11th and S.W. 12th Avenues, in Zone C2. Denial reaffirmed. (PC DPR 41-75 and CU 57-75)	Continued to 10/8/75
10/02/75	2964. Returning C.C. No. 2027, being a report of Commissioner of Finance and Administration submitting a report of the City Planning Commission on the U.S. Army Corps of Engineers' proposed flood control plan for the Columbia Slough; recommending approval of Plan 1 and adoption of the accompanying Letter of Understanding; modifying the resolution contained in the Letter of Understanding and recommending the Council adopt said modified Letter of Understanding.	Continued to 10/7/75 After an all day hearing to 10/16/75
	2965. Report of the City Planning Commission; recommending necessary code changes required to achieve reduced transitional use provisions.	Hearing held 10/22/75
	2969. Granting a revocable permit to George M. and Toni A. Fowler, deedholders, for a tailor shop on Lot 1, Block 5, Lester Park, located at 4736 N.E. 25th Avenue in Zone	Passed

DATE	ITEM	DISPOSITION
10/08/75	3029. Report of the City Planning Commission on the appeal of Shirley Klug and others against granting the Variance request of Dennis and Morre Carter, deedholders, to reduce the minimum lot area from the required 5,000 square feet to 4,346.25 square feet on the north one-half of Lot 9 and the south one-half of Lot 9 in order to split a lot into two legal lots, on Lot 9, Block 50, Laurelhurst, located between N.E. Senate and Multnomah Streets, west of N.E. 42nd Avenue, in Zone R5S. Approval reaffirmed. (PC VZ 140-75) (2680)	Continued two weeks for viewing trip
	3030. Report of the City Planning Commission on the appeal of Henry A. Buehner on behalf of Max G. and Mary E. Runyon, deedholders, against denial of a variance request to reduce the rear yard, south, from the required 6 feet to 3 feet in order to retain an addition to the southern portion of the dwelling on Lots 1, 2 and 9, Block 6, Bridgeton, located at 10 N.E. Bridgeton Road, in Zone C2D. Denial reaffirmed. (PC VZ 157-75) (2957)	Adopted Planning Commission report Appeal denied
	3031. Report of the City Planning Commission on the appeal of Harold and Arlene Schnitzer, deedholders, against denial of a Downtown Plan Review and Conditional Use request for construction of a car wash and automobile fuel sales facility on Lots 3 through 6, Block 265, Portland Addition, located on the north side of S.W. Clay Street between S.W. 11th and S.W. 12th Avenues, in Zone C2. Denial reaffirmed. (PC DPR 41-75 and CU 57-75) (2958)	Continued one week
	3032. Report of the City Planning Commission on the petition of Gordon R. Jantz, deedholder, to change from Zone R5 to A2.5, Lot 5 except the west 20 feet and all of Lots 6, 7 and 8, Block 4, Lee Bow Park, located on the south side of N.E. Holladay Street, east of N.E. 82nd Avenue. Denial of A2.5, but approval of A1 with condition recommended. (PC 6431)	Adopted Planning Commission report
	3033. Report of the City Planning Commission on the petition of Wylie L. and Beverly E. Bucher, Joe and Cecil Mae Frazier, deedholders; and Walter C. and Mildred E. Reynolds, deedholders and contract purchasers, to change from Zone A2.5 to M3, Lots 5, 8 and 9, and Tax Lot 2 of Lot 12, Block 1, Williams Avenue Addition, located on the north side of N. Morris Street, east of N. Vancouver Avenue. Denial of M3 but approval of C2 with condition recommended. (PC 6448)	Adopted Planning Commission report
	3034. Report of the City Planning Commission on the petition of Emmel and Claire Kirnak, deedholders, for a revocable permit for winemaking on Lots 3 and 4, Block 4, Taborside, located at 7234 S.E. Main Street in Zone R5. Approval recommended. (PC 6457R)	Continued two weeks for City Attorney's report
	3035. Report of the City Planning Commission on the appeal of Bruce W. Cowan against approval of Variance request of Vern C. and Virginia L. Loehner, deedholders, to increase the height of a fence in the front yard, north, and in the side yard, east, on Lots 12 and 13, Cedar Crest, located at 10707 S.W. 11th Drive, in Zone R20. Approval with conditions reaffirmed. (PC VZ 151-75)	Adopted PC report with amendments
	3036. Report of the City Planning Commission on the appeal of Ronald L. and Iris J. Benson, deedholders, against denial of their Variance request to increase the height of a fence in the front yard, west, from the allowable 3½ feet to 5 feet 4 inches, on Lots 32, 33, 34 and the south 15 feet of Lot 35, Block 24, Hyde Park, located at 3834 N.E. 70th Avenue, in Zone R5L. Denial reaffirmed. (PC VZ 170-75)	Appeal granted

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
10/15/75	3094. Report of the City Planning Commission on the appeal of Harold and Arlene Schnitzer, deedholders, against denial of a Downtown Plan Review and Conditional Use request for construction of a car wash and automobile fuel sales facility on Lots 3 through 6, Block 265, Portland Addition, located on the north side of S.W. Clay Street between S.W. 11th and S.W. 12th Avenues, in Zone C2. Denial reaffirmed. (PC DPR 41-75 and CU 57-75) (3031)	Adopted PC report
	3095. Report of Commissioner of Finance and Administration transmitting report of the Planning Director returning Council Calendar 2677, being a report of the Planning Commission on the appeal of Dussin Investment Company against denial of Downtown Plan Review for long-term parking on Lots 7 and 8, Block 86½, Portland Addition, located on the northeast corner of the intersection of S.W. 10th Avenue and S.W. Stark Street in Zone C1. (DPR 40-75) (2826)	Approved for two-year term
	3096. Report of the City Planning Commission on the petition of Martin R. and Beverly A. Frank, deedholders, to change from Zone C4L to C2L, the north 90 feet of south 225 feet of Lot 4, Block 1, Jorbade, located at 4329 N.E. Killingsworth. Approval with condition recommended. (PC 6460)	Adopted PC report
	3097. Report of the City Planning Commission on the petition of Norman D. and Adele Frances Savinar, deedholders; and Portland Recycling Team, lessee, for a revocable permit for a recycling facility on Lots 1 and 4, Block 176, Couch's Addition, located at 1801 N.W. Irving Street, in Zone M3. Approval with condition recommended. (PC 6462R)	Adopted PC report
	3098. Report of the City Planning Commission on the petition of Lewis D. and Elizabeth C. Cannell, deedholders; and Portland Recycling Team, lessee, for a revocable permit for a recycling facility on the south 100 feet of Tract 1, Dalashmutt and Oatman's Little Homes No. 3, located at 2003 N. Portland Boulevard, in Zone C2. Approval with conditions recommended. (PC 6463R)	Adopted PC report
	3099. Report of the City Planning Commission on the petition of Terwilliger Plaza, Inc., deedholder, and First National Bank of Oregon, lessee, for a revocable permit for a banking facility on Tax Lot 2, Section 9, T1S, R1E, located at 2545 S.W. Terwilliger Boulevard, in Zones AO and AOD. Approval recommended. (PC 6466R)	Adopted PC report
10/16/75	3100. Report of Commissioner of Public Works returning C.C. No. 2027, being a report of Commissioner of Finance and Administration Submitting a report of the City Planning Commission on the U. S. Army Corps of Engineers' proposed flood control plan for the Columbia Slough; recommending approval of Plan 1 and adoption of the accompanying Letter of Understanding; modifying the resolution contained in the Letter of Understanding and recommending the Council adopt said modified Letter of Understanding. (2964)	Adopted PC report with conditions
	3104. An Ordinance granting a revocable permit to Westover Terrace Company and W. Biddle and Esther E. Combs, deedholders, and Marian B. Branch and Alvin C. Bauer dba Branch and Bauer Advertising Agency, contract purchasers, to use and maintain an existing building located on Tax Lot 1 of Lots 12 and 13, Block 6, Kings Second Addition, located at 2470 N.W. Westover Road for professional offices under certain conditions repealing Ordinance 125303, and declaring an emergency. (Read Twice) (3043)	Passed

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
LO/22/75	3154. Report of the City Planning Commission on the appeal of Shirley Klug and others against granting the Variance request of Dennis and Morre Carter, deedholders, to reduce the minimum lot area from the required 5,000 square feet to 4,346.25 square feet on the north one-half of Lot 9 and the south one-half of Lot 9 in order to split a lot into two legal lots, on Lot 9, Block 50, Laurelhurst, located between N.E. Senate and Multnomah Streets, west of N.E. 42nd Avenue, in Zone R5S. Approval reaffirmed. (PC VZ 140-75) (3029)	Adopted Variance Committee report
	3155. Report of the City Planning Commission on the petition of Emmel and Claire Kirnak, deedholders, for a revocable permit for winemaking on Lots 3 and 4, Block 4, Taborside, located at 7234 S.E. Main Street in Zone R5. Approval recommended. (PC 6457R) (3034)	Adopted PC report
	3156. Report of the City Planning Commission; recommending necessary code changes required to achieve reduced transitional use provisions. (2965)	Adopted with amendments
	3157. Report of the City Planning Commission on the petition of First State Bank of Oregon, deedholder, to change from Zone R7 to C2, Lots 4, 5, 18, 19 and 20, Block 7, Alder Springs, located between S.W. 23rd and S.W. 24th Avenues, north of S.W. Barbur Boulevard. Approval with conditions recommended. (PC 6465)	Adopted PC report
	3158. Report of the City Planning Commission on the appeal of E. W. and Catherine M. Asbahr, deedholders, against denial of variance request to reduce the setback for a storage shed from the required 25 feet to 19 feet and to reduce the rear yard, west, from the required 5 feet to 0 feet on Lot 1, Block 4, Wilburton, located at 1818 N. Dekum Street, in Zone R5. Denial reaffirmed. (PC VZ 172-75)	Referred to Council

STAFF REPORT

P.C. File: CU 88-75 Committee Meeting: November 4, 1975

Applicant: Bible Temple Inc., by K.R. Iverson and Warren H. Steele, Prescott Corporation by Cora Brady and Robert and Charlotte Montgomery, deedholders

Request: Increase lot coverage and amend Ordinance 139460

Location: between NE 76th and NE 78th

Legal Description: Lots 4 through 10 and Lots 23 through 27 Block 24, Mt. Tabor Villa

Zone: R5 and A2.5 Quarter Section: 3038

Applicant's Proposal: Bible Temple, Inc., proposes to construct a new 1,250 seat sanctuary/educational complex with 52 off-street parking spaces. This addition will connect with the existing Bible Temple Church located in the C2 zone on N.E. Glisan, which would then become the educational wing.

In order to accomplish this addition, the applicant requests a variance to increase the lot coverage from the allowable 30% (18,000 sq. ft.) to 40% (24,050 sq. ft.) and to amend Ordinance 139460 (see attached) by deleting the condition that the duplex located on Lot 23, Block 24, Mt. Tabor Villa remain as this duplex has been removed.

This proposed church expansion has been reviewed and approved by the Design Review Committee (see attached minutes dated August 27, 1975).

MR WILLETT - OPPOSED
MS ROGERS - OPPOSED
MS WILLIAMS - OPPOSED
MS MCGATH - OPPOSED

ORDINANCE NO. 133436

An Ordinance granting a conditional use to Bible Temple, Inc., for church and associated parking uses on Lots 1 through 10 inclusive, and Lots 23 through 30 inclusive, Block 24, MT. TABOR VILLA, in Zone R5 and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Bible Temple, Inc., deedholder, applied for a conditional use for church expansion and associated parking facilities on Lots 4, 5,6, 25, 26 and 27, Block 24, MT TABOR VILLA, located between N. E. 76th and N. E. 78th Avenues, south of N. E. Glisan Street in Zone R5; that such conditional use request was heard by the City Planning Commission (PC File CU 65-73) and that the City Planning Commission recommended denial of the proposed conditional use; that Bible Temple, Inc., appealed such denial to the City Council; that hearings as required by the Planning and Zoning Code were conducted on several occasions and the City Council on Monday, January 20, 1975, adopted a motion to file the Planning Commission report and adopt a report in lieu thereof submitted by the Mayor and approved by the City Council granting a conditional use on Lots 1 through 10 and 23 through 30, all inclusive, Block 24, MT. TABOR VILLA in Zone R5;

NOW, THEREFORE, a conditional use is hereby granted to Bible Temple, Inc., for church and associated parking use on Lots 1 through 10 and and 23 through 30, all inclusive, Block 24, MT. TABOR VILLA, Multnomah County, Oregon, in Zone R5. The granting of such conditional use is subject to the following conditions:

1. The proposed expansion of church and related parking facilities shall occur on Lots 1 through 10 and 23 through 30, all inclusive, Block 24, MT. TABOR VILLA.

2. That Bible Temple, Inc., will not acquire any additional property in the R5 or A2.5 Zones within 10 blocks of the existing church, except Vestal School.

3. That the existing duplexes on Lots 10 and 23, Block 24, MT. TABOR VILLA, shall remain and all minimum requirements of the Planning and Zoning Code of the City of Portland shall be complied with.

4. The City Council expresses its preference that the duplex on Lot 9, Block 24, MT. TABOR VILLA,

also remain, but should its removal be required to meet parking or other needs determined by the Design Committee, a buffer (a noise and site obscuring fence) will be required to insure that no parking or other use occur next to the rear property line of Lot 22, Block 24, MT. TABOR VILLA. No children's play activity or other non-vehicle noise generating activity shall be permitted on said Lot 9. A lesser choice would allow moving it to Lot 14 for resale by Bible Temple if this can be accomplished without a zone change.

5. That both preliminary and final development plans for the church expansion be approved by the Design Committee.

6. That the Design Committee take into account not only the architectural aspects of a building but also the landscaping, parking arrangement, points of access and egress, construction hours and any other points it deems necessary to limit impact on the adjoining neighborhood.

7. That Bible Temple, Inc., shall dispose of Lots 16, 17, 18 and 20, Block 24, MT. TABOR VILLA, and that in so disposing of such property, the deeds or contracts of sale to the purchaser shall contain a covenant prohibiting future use of such properties for dormitory or dormitory related use, or church services or other church related use, or college related uses, such restrictive covenants shall be approved in form by the City Attorney prior to conveyance of any of said properties. It is the intent of this ordinance that these properties shall be used as traditional family houses; that is, those that are occupied by persons related by blood, marriage or adoption only.

8. That Bible Temple, Inc., agrees not to remonstrate against any street improvements for N.E. 76th, N.E. 78th or N.E. Everett Streets.

9. If the Design Committee feels that any variances are in order in the final plans, such variances must be approved in a manner prescribed in the Planning and Zoning Code.

10. That no construction shall begin on the proposed church expansion or related parking facilities until Conditions No'd. 5 and 7 have been fulfilled by Bible Temple, Inc.

11. That Bible Temple, Inc., encourage car pooling and a mass transit plan by its membership and submit such plan to the City Planning Commission for approval and also submit progress report

ORDINANCE No.

concerning such activities every six months to the City Planning Commission.

12. Substantial compliance with the above conditions must occur within one year from the effective date of this ordinance, or the ordinance will become null and void and the conditional use herein granted shall be deemed repealed.

13. If the Church plans concentrated land acquisition in R5 or A2.5 Zones beyond the ten block radius, a comprehensive plan for such acquisition must be approved by the Planning Commission.

Section 2. This ordinance shall not be effective until Bible Temple, Inc., has accepted the terms and conditions hereof in writing filed with the City Auditor and approved as to form by the City Attorney.

Section 3. 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 the conditional use and development of the property in accordance therewith may be granted and commenced without undue delay; 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, FEB 13 1975

Order of Council
January 30, 1975
RLH/fg

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

DESIGN REVIEW COMMITTEE
Minutes of Meeting
August 27, 1975

Committee Members Present: Goodell, Lindgren, Norman, Parker

Staff Present: Williams, Barton, Bissonette

The meeting was called to order by Chairman Stanley Goodell at 10:08 a.m., in Room 200, City Hall Annex

BIBLE TEMPLE DZ.2.75

Mr. Barton made a presentation of what has happened to date on the proposed design. He stated that the staff had received communication from the Montavilla Neighborhood Association stating that they approved the project as it is proposed at the present with the removal of an existing duplex. Mr. Barton stated that staff had sent recommendations to the church, the architect, and the neighborhood as far as the staff felt about the proposal. Mr. Barton then outlined the recommendations and the reasoning behind the staff's recommendations. He stated that the design has changed very little since the Committee last viewed it. The staff's recommendations are as follows:

1. That the arrangement for seating capacity in the sanctuary be split between the main floor and the balcony instead of having all seating on the main floor. Balcony space could still be divisible for future classroom space and would reduce both the size of the building and construction costs to the applicant.

2. That any resulting increase in open space be dedicated to recreational space for the schools.

3. And in response to the buffering between the Temple and nearby residences, that condition 4(b) of the Mayor's Report to Council and Item 4 of Ordinance No. 139460 be reviewed and fulfilled by the applicant.

Mr. Barton stated there was a letter from Bible Temple rejecting all three of the staff's recommendations.

Mr. Duane Brittell, architect for Bible Temple, presented a scale model of the proposed design for the church and the surrounding properties. Mr. Brittell then discussed with the Committee the architectural features of the design.

The Committee then discussed the buffer. Mr. Parker felt that the church expansion would have a tremendous impact in the neighborhood and that the proposed design is negative in compatibility to the neighborhood.

Mr. Barton stated that if the Church continued to reject staff recommendation, he felt that the proposed design was inappropriate and that staff would recommend a denial of the proposal at this time.

Pastor Iverson made comments regarding the conditions that the church had accepted relative to the Mayor's Report to the City Council. He stated that the proposed design is acceptable to the church; that it is something that they can function within.

Mr. Raymond Grant spoke for the Montavilla Neighborhood Association stating that they had had a meeting with proper notification on August 23, 1975 at which 60 to 70 persons attended and that by unanimous vote the motion was carried to approve the plan.

Ms. Jackie Williams, 1105 S.E. 76th, spoke in opposition to the proposed plan and questioned the validity of the Montavilla Neighborhood Association and its last meeting.

Mrs. Brewer, a resident in Montavilla, spoke in favor of the proposed plan and stated it would not affect the neighborhood.

Mr. Norman stated he did not find too much wrong with the proposed plan but was concerned with buffering, especially along Lot 23. Mr. Goodell stated he was also concerned about the impact on the property located to the south. Mr. Norman suggested that there be very tall and very dense landscaping along the south border, possibly a solid fence.

Mr. Goodell stated that he had a problem with the main entrance and the activity that will be caused by that entrance where it is located, but felt that landscaping could deter some of the impact of the activity.

Mrs. Pat Guinn, 344 N.E. 76th Avenue, spoke against the continued expansion of the church and the parking problem caused by the activities of the Bible Temple.

Mr. Dave Blomgren stated that most of the church activity would be in the C2 arterial area.

Mr. Walter Willette, 7 S. E. 79th spoke against the project and stated that the neighborhood is being asked to make a number of concessions and that 1,250 seating capacity should be the limit.

ACTION: Mr. Norman made a motion, which was seconded by Mrs. Lindgren, that the Committee give conceptual approval of the project as proposed with the following conditions:

1. That seating capacity be limited to a maximum of 1,250.

2. That approval be withheld, subject to further review, on the treatment of the buffering on Lot 23.

3. That at a later stage, the Committee will review the following:

   a. architectural treatment of materials, textures, and colors

   b. pedestrian amenities and convenience in relation to circulation, lighting, and street furniture

   c. design coordination of landscaping of the individual building elements

   d. design of signage and graphics

   e. design of driveway entrance details.

AYES: Goodell, Norman, Lindgren

NAYS: Parker

Motion Carried.

Mr. Goodell stated he was voting a reluctant yes and the reason for his reluctance centered around the manner of treatment of the area around the main building entrance. He stated he wished to see something imaginative there.

Mr. Barton stated that the project as proposed is in violation of some zoning variances and asked if the Committee wished to see the project before or after the possible variances have been granted. Mr. Goodell stated that the Committee would have to wait and see what other things occur. Mr. Barton asked if the Committee was going to support the variances. Mr. Goodell stated that the Committee will have to make a factual reportage but didn't feel it was necessary to bring in anything other than that which is

the equivalent to staff reports. Mr. Goodell stated that the Committee has a responsibility to carry to the other City committees, that which the Design Committee has done.

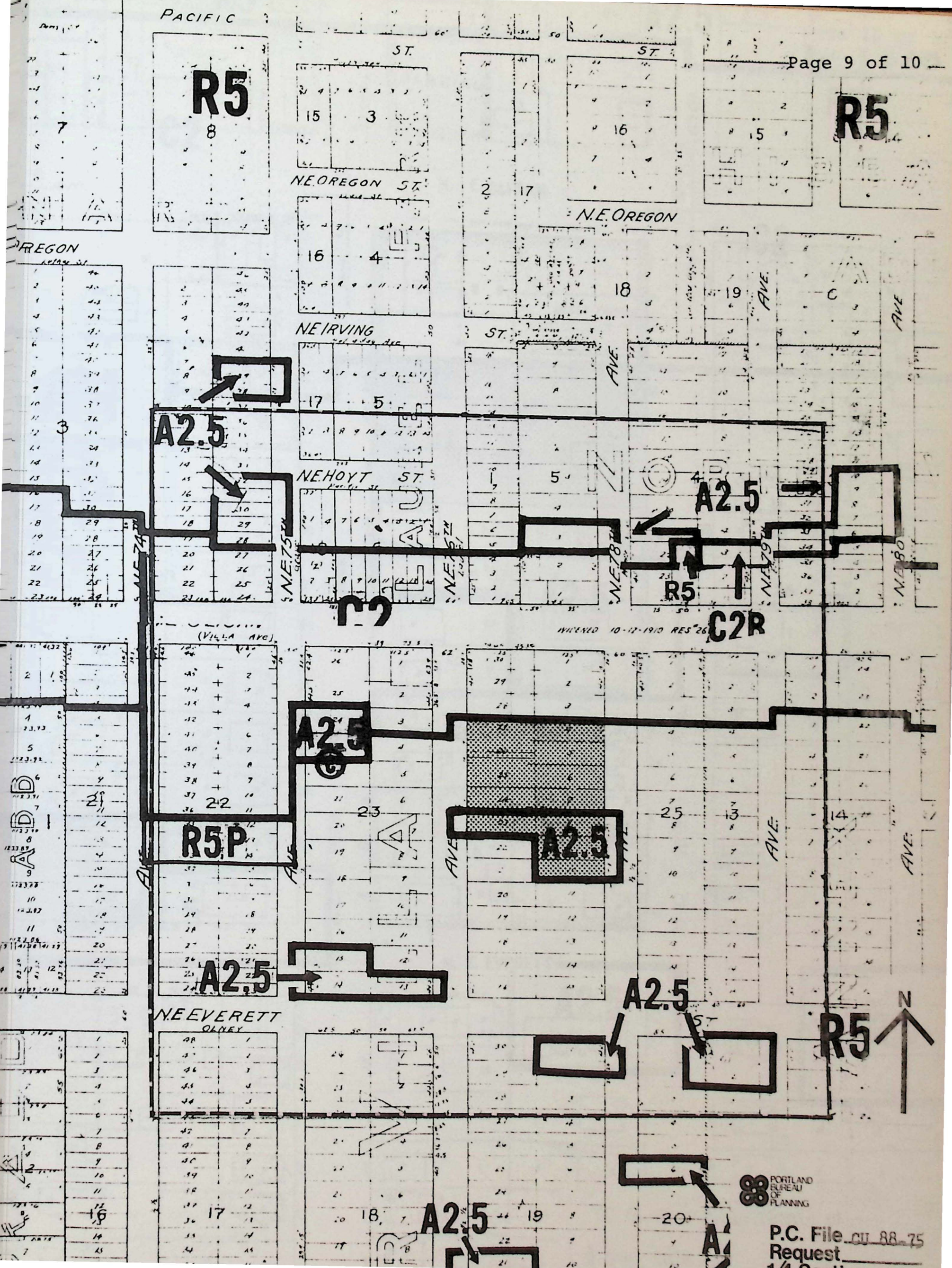
Mr. Barton stated that the staff was not in favor of the project and could not support the variances as other alternatives had not been explored.

Mr. Parker stated that he was not in support of the carried motion but the Committee had approved it and if there is an effort to deny those variances then he felt it would become less of a project than what it could be and it was his feeling that even though he was not in favor, that the Committee should rightfully support the variances.

Mr. Norman stated a copy of the ordinance and the Committee's recommendation and vote should be forwarded to the Variance Committee and would be testimony as far as their consideration goes.

There being no further business, the meeting was adjourned at 11:30 a.m.

LRB:eb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PORTLAND BUREAU OF PLANNING
P.C. File CU 88-75
Request

N. E. GLISAN

N. E. EVERETT

N. E. 76TH AV.

N. E. 78TH AV.

C2

R5

A2.5

PARKING

BIBLE TEMPLE

HOPE PRESBYN CHURCH

MIZPAH BRETHREN CHURCH

(7850)

23 (7851)

24 (7860)

25 (7882)

CU 64-73 Bible Temple Church

¼ Sec. 3038

PORTLAND CITY PLANNING COMMISSION
DECEMBER, 1975 MEETING

AGENDA 410

TUESDAY, DECEMBER 2, 1975

MEETING LOCATION:

Room 200, City Hall Annex
424 S.W. Main Street

TIME OF MEETING:

12 Noon

STAFF REPORT - NOT TO BE QUOTED OR PUBLISHED UNTIL ACTED UPON BY THE PORTLAND CITY PLANNING COMMISSION.

PORTLAND CITY PLANNING COMMISSION
Agenda 410
Tuesday, December 2, 1975
Room 200, City Hall Annex
424 S. W. Main

12 NOON

Commission Members' lunch

APPROVAL OF MINUTES

1. Planning Commission Minutes..... 21 October 1975

2. Zoning Committee Minutes..... 23 September 1975
28 October 1975 Amended. See Dec. 2, minutes

COUNCIL ACTIONS

3. City Council actions on Planning Commission matters.

ITEMS FOR ACTION

4. Downtown Development Regulations.

5. Petition 6453, zone change request by Thomas and Doris Wortendyke, deedholders; Don and Kathy Calkins, lessees, from R5 to M3, located at 8134 S.E. Taylor Street.

6. Union Avenue Redevelopment Plan.

PORTLAND CITY PLANNING COMMISSION
Minutes of Meeting
21 October 1975

A special meeting of the Portland City Planning Commission was held 21 October 1975 in the Main Auditorium at Cascade College on the Union Avenue Redevelopment Plan.

Planning Commission Members Present: Sheldon, Gustafson, Rose', Roso

Bureau of Planning Staff Present: Wilde, Lyons

Mr. George Sheldon, President, Portland City Planning Commission, opened the meeting at 7:35 p.m. at Cascade College by stating that this meeting was a continuation of the Portland City Planning Commission's hearing on the Union Avenue Redevelopment Plan. He stated that this hearing was specifically for public testimony only and action would be taken on the plan on November 20 in Room 200 in the City Hall Annex. Mr. Sheldon asked for any questions before the staff presentation of the plan documents.

Mr. Charles Wainwright asked if there were to be any changes in the plan now or if everything was pretty well established. Mr. Sheldon stated that this hearing was for the purpose of making any reasonable changes which would be discussed and voted on by the Commission at the November 20th meeting. Mr. Wainwright asked if there would be any show of hands over points of dispute and Mr. Sheldon said the Commission was not interested in a show of hands over a point by point basis but more interested in testimony.

Mr. Sam Suwol, 2603 N.E. Union, wanted to know if planters were planned on the center of Union Avenue. Mr. Sheldon replied that that was a substantive question and preferred to defer that until after the staff presentation. Mr. Sheldon stated he was more interested in procedural questions at this point.

Mr. Sheldon turned the floor to Mr. Wilde for the staff presentation. Mr. Wilde reviewed the history of the Union Avenue Redevelopment Plan and gave a brief summary of the plan itself with comments on each policy.

Mr. Wilde then asked that testimony from Mrs. Hildress Benson be read for the record. The testimony contained three points pertaining to the Union Avenue Plan: 1) Multiple dwelling units are all right along Union Avenue and throughout the model neighborhood if they are condominiums, 2) There should be no six lane highways along Union Avenue, and

3) U.S. highway civil engineers should do the design.

Mr. Sheldon asked for any further procedural questions. Since there were none, he stated that testimony begin and asked testifying persons to step up to the microphone, state name and address before giving statements or asking questions.

Mr. Oscar Peterson, property owner, asked if there would be one family or multiple dwelling units in the possible housing developments previously mentioned by Mr. Wilde. Mr. Wilde stated that he was referring to the Eliot neighborhood, between Rodney and Williams, Knott and San Raphael, which is proposed to be multiple dwellings.

Mr. Peterson wanted to know if the Union Avenue Plan included widening Union Avenue. Mr. Wilde stated that as the plan was being developed, there were proposals to widen Union Avenue to six lanes that would include right-of-way acquisition up Union Avenue, but those plans have since been dropped by the staff. Mr. Wilde stated that the present recommendation is for highway improvements that can be done within the existing right-of-ways and there may have to be some additional right-of-way acquisitions at selected intersections for left turn refuges or bus pull outs but they would be carefully designed to avoid demolition of existing structures.

Mr. Peterson was concerned about the possibility of rezoning the property within the Union Avenue Plan and Mr. Wilde stated there was no rezoning included in the plan.

Mr. Tom Booth, Director of Contractors Management Association, plauded those who put together the Union Avenue Plan and though it was a good one. He referred to page 9, number 1, items a, b, and c where the steering committee had adopted goals and wanted on record that his office suggest specific wording as to how the affirmative action specifics are to be implemented and that he personally would like to work with a committee on how those are to be drawn up. Mr. Booth indicated he was interested in how the affirmative action type programs would relate to minority businesses.

Mr. Rosel Yee, 202 N.E. Graham, stated she was not familiar with the plan and wanted to know if the housing projects in the plan raised her property taxes, would the city would be willing to pay for the property at its higher value. Mrs. Yee stated she felt the plan was a ploy to get more federal money into the city. Mr. Wilde stated there was no condemnation called for in the plan as it now stands so there would be no public acquisition of private property. He stated in

regard to her property tax, that would depend on the zoning of where she lived. Mr. Wilde stated that as a general rule, as the quality of the area improves, property value increases as do your taxes. Mrs. Roso added that this was not an urban renewal type plan to facilitate the use of federal money. Mrs. Roso stated it was a city plan dependent on city money to revitalize the area and bring in funds to help the area.

Mr. Joe Harris, Board of Directors, Albina, indulged in a lengthy statement which included some of the following points: There were not announcements regarding the meetings for the plan; the Union Avenue planners did not include people in the neighborhoods; and the plan was not developed to benefit the entire community and should be concerned with the community impulse rather than just be limited to the business people.

Mrs. Gustafson said the Commission would be interested in hearing his opinions and asked Mr. Harris to put in writing what he liked or disliked specifically about the Plan. Mr. Wilde stated the Planning Bureau would be glad to sit down and go over the plan in detail with anyone.

Mr. Warren Chung of the Woodlawn Pharmacy on Union Avenue, stated that he had followed the Union Avenue Plan from the beginning and was a member of the Mayor's committee on the plan. He stressed the participation of eight neighborhoods and the number of meetings held on the local level. Mr. Chung further stated that the plan was in the making for two years with much input from people and asked that criticism is still welcome as long as it is constructive. He asked that the Commission consider federal, state, county or city projects be located on Union Avenue to build up the community.

Mr. Brooker Gibson, 124 N.E. Graham, stated he owned property within the plan and found out that a 312 loan he applied for was being delayed because of the Union Avenue Redevelopment Plan. He also stated that 99% of the people in the area were not aware of the plan including himself and emphasized letting people know about the hearings.

Mr. Wilde stated that there was no relationship between the Plan and his obtaining a 312 loan for his dwellings. Mr. Wilde stated they sent out 800 letters to property owners and residents within the boundaries of the Union Avenue Re-development Plan for the first hearing and sent out 650 letters for this hearing. In addition to that, Mr. Wilde stated, they notified all the neighborhood associations, and special interest groups in the area.

Mrs. Mary Suwol who has worked in the Albina area stated that she understood most of the money allocated to the plan was going to lighting and wanted to know how much money was involved in the plan.

Mr. Wilde stated that this year $400,000 was going into street lighting improvements. $350,000 from Housing Community Development would be invested in the corridor for street improvements, landscaping, and loans available for rehabilitation and demolition assistance. He stated that this was a continuing program with money being brought in each year for at least three years.

Mr. Willy Triplet, 2836 N.E. Rodney, asked what percent of the property owners of the redeveloped area lived in the Union Avenue area. Mr. Wilde answered 70%. Mr. Triplet asked what type of jobs would be made available to the people in the community. Mr. Wilde stated that among other things, the planning staff proposed a neighborhood development corporation composed of residents of the community including minority businessmen in that area to participate in redevelopment of the corridor. Mr. Triplet asked about the specifics of the Planning Commission and staff. The Planning Commission and staff introduced themselves and gave a brief background. Mr. Triplet then asked what specifically the plan would do to upgrade and benefit the whole area. Mr. Wilde re-summarized the plan with several interruptions from Mr. Triplet. Mr. Triplet ended his testimony by indicating his concern that the Union Avenue Redevelopment Plan be implemented for the benefit of the community.

Ms. Sandra Williams of PCR stated she was against the upgrading of the area around Fred Meyer because it was a "gyp" to the people.

Ms. Opal Strong stated that she had worked on the committees and was concerned about what had happened to Herman Brame. Mr. Wilde stated that Mr. Brame resigned last June to set up his own business on Union Avenue and felt that that would be a conflict of interests.

At this point, there was ten minutes of pandimonium brought on by the testimony of Eddie Morse, who stated the difficulty in getting people to participate in the Plan.

Ms. Betty Walker, 3124 N.E. 17th, expressed her concern about the priority of employment for the young people and hoped there would be progress in this area.

Mr. Triplet returned to the floor to make clear to everyone that he was not representing the blacks but the community

and that he was for the plan but was concerned as to who the decision-makers were and how the plan was going to be implemented.

Mr. Charles Wainwright stated he felt it was a mistake for Mayor Goldschmidt, Robert Cameron of Lloyd Corporation, and Angelo Lampus to serve on the steering committee because it looked like to Mr. Wainwright it was a conflict of interest. He expressed concern about eminent domain being exercised, and what the Planning Commission planned for C3 land parcels in the area. Mr. Wilde stated there may be some eminent domain exercised for assemblying land parcels for large scale housing projected, i.e. Wallace Park. Mr. Sheldon responded to Mr. Wainwright's concern about C3 land parcels stating the Planning Commission does not plan to do anything specifically about the land. Mr. Wilde stated that the Planning Commission hopes to encourage neighborhood development cooperation. Mr. Sheldon added that the Plan should provide opportunity for private investments with certain public improvements. Mr. Wilde stated there would be no control over private development and explained the role of the Portland Development Commission in renewal designation.

Mr. Al Green, Chairman, Woodlawn Neighborhood Association, liked the program and thought it would benefit the whole area. He understood the Mobile gas station across from Fred Meyer was to be taken by the plan and wondered if the owner had been notified previously. Mr. Wilde said there was no indication proposed in the plan and said the owner should have been notified about the plan and its meetings. Mr. Green stated he would like to see the problem of unemployed residents and minority contractors addressed and asked if there would be any relocation help provided for those whose homes may have to be torn down. Mr. Wilde stated that there is some proposed sections in the plan that related to that: 1) anyone who is relocated will receive full benefits provided under federal relocation act, and 2) give priority to area residents for any subsidzed housing projects in the corridor.

Mr. Warren Chung stated that much of the work done on the plan was redundant and asked that if more studies are done on Union Avenue if the Planning staff would continue from where they are now and not repeat the history and previous studies.

Mr. Robert Boyer, resident at Mallory and Killingsworth, asked for information on the short and long range goals of the project. He said it was a personal concern to know because he had children whose welfare mattered to him.

Mr. Tom Booth stated that both plans "A" and "B" stated the gas station mentioned by Mr. Green would be relocated. Mr. Wilde said the area concerned would be a better opportunity for more active retail commercial use but whether or not the gas station goes will be up to the private investors. Mr. Wilde stated the proposal only made the recommendation and that the city will not be going to buy the station.

Mr. R. T. Clifford wanted to know if the physical structure of the streets would remain the same in the plan. Mr. Sheldon stated the streets will remain within its present space.

Mr. Sheldon adjourned the meeting at 9:48 p.m.

Respectfully submitted,

Ernest R. Bonner
Planning Director

EB:lf:eb

PORTLAND CITY PLANNING COMMISSION

Zoning Committee

Minutes of Meeting

September 23, 1975

The regular meeting of the Zoning Committee was called to order in Room 200 of the City Hall Annex at 1:15 p.m. by Chairman Gustafson. Present were members Roso, Shannon, Sheldon (CU 71-75 only) and staff member Vail.

CU 71-75 A Conditional Use request by the Housing Authority of Portland, for Activity building with:

1) a variance to waive the required parking for the community (activity) building
2) a variance to reduce the existing parking for the 36 apartments from 16 spaces to 8 spaces
3) a variance to increase the height of a wall in the rear yard, west, and side yard, south, from the allowable 6 ft. to 8 ft. in order to erect an 8 ft. walled court yard
4) a variance to reduce the side yard south from the required 10 ft. to 0 ft. in order to construct the proposed building
5) a variance to reduce the lot area from the required 15,000 sq. ft. to 6,253± sq. ft. in order to use for a community center;

located near 5041 N. Vancouver north of N. Alberta, on Tax Lot 31, Section 22, T1N, R1E.

Mrs. Gustafson declared a conflict of interest in the case and left the meeting. Mr. Sheldon participated inthis case only.

Wes Korman representing the Housing Authority explained that the need for the new structure was to provide ground level activities for the elderly tenant of the complex and surrounding area. Other programs such as Loaves and Fishes, and youth activities were to be included. The building would be open to the general public.

Lonnie Lamar 400 N. Summer was present to speak concerning the need for the building as it pertained ot other HAP projects in the area and the use that would be made of the building.

Jim Douglas 6766 N. Commercial representing the Boise-Humboldt neighborhood group requested a continuance so that his group could review the proposal.

The staff recommended denial of the request. There was no justification presented to warrant the variances requested.

Mrs. Roso moved to deny the request. No second was received.

ACTION: Mr. Shannon moved to defer for 30 days

CU 73-75 A Conditional Use request by Robison Jewish Home, deedholder and contract purchaser Myrtle F. Streiss, deedholder for dining room and parking for a home for the aged, located at 6125 S.W. Boundary, on Tax Lot 18 of Lot 7 and 8, BP Cardwell Tax Lot 120, Section 18, T1S, R1E.

Jim Lunderwold of Zarosinski & Taton Engineers was present representing the applicant. He explained the project to the Committee.

Sam Lissitz, manager of the RJH talked about the need for centralized facilities and of the terrain differences between the proposed parking on S.W. Boundary and that on S.W. Beaverton-Hillsdale Highway.

Patrick Donaldson 5326 S.W. 65 spoke of traffic problems on S.W. Boundary and of potential problems of patients walking in the streets.

The staff recommended approval of the proposed expansion on the north side of S.W. Boundary and denial of the proposed parking on the south side of S.W. Boundary. It was felt that both parking and open space for patients could occur on the existing site.

ACTION: Mrs. Roso moved approval of the Staff Report. Seconded by Shannon. So ordered.

CU 69-75 A Conditional Use request by Lorraine Rankin, administrator for Susan Jane Williams, deedholder, Jean R. Watts, deedholder, Alfred H. Van Domelen and Dirk N. M. Looijenga, contract purchasers; for office in an AO zone; located at 3425 S.W. Corbett Avenue near S.W. Curry Street; on Lot 3, 6, Block 134, Caruthers.

Dirk Looijenga 3043 S.W. Corbett, applicant, spoke in favor of his request.

Corbett-Terwilliger-Lair Hill planning committee recommended deferral until after the Planning Commission meeting of October 16. They felt that the Planning Commission should have more discussion on the plan before making a recommendation. The applicant was against any contiuance because of his pressing need for additional space.

ACTION: Motion to defer for no more than 60 days. Seconded. So ordered.

6467A An Access variance request by Ronald Brown, deedholder; for an access variance; located at S.W. Seymour Court between S.W. 47th and 48th Avenues; on Lots 12 and 13, Block 3, Fairvale.

Ron Brown 7142 S.W. 2nd was present to speak for his proposal. He submitted a letter signed by area residents supporting his proposal.

Mr. Vail explained that under existing Code Regulation, Mr. Brown could build three houses without the need of an access variance if 2 of the 3 houses were kept in single ownership. The variance if approved,

John Sabastian, 3825 N.E. 47 stated he was interested in buying the northerly lot from Mr. Brown.

Scott Biddle, 4740 S.W. Hamilton stated he was against the request. He felt that the northerly house would detract from neighborhood appearance and have a detrimental affect.

Mr. Bushnell, 4776 S.W. Hamilton stated he wanted his name withdrawn from the letter submitted by Mr. Brown. He also spoke of drainage problems on the northerly portion of the lot.

Steve Schaffer 4730 S.W. Hamilton supported previous testimony against the proposal.

Debbie Madden 4760 S.W. Hamilton spoke of flooding problems and felt that no house should be constructed on the northerly site under any circumstances.

Thomas Trebbien 3580 S.W. Spring Drive, Hillsboro owner of 4772 S.W. Seymour Ct. spoke against the proposal.

Mike Scanlan 4740 S.W. Seymour Court and Tannert Pinney 4751 S.W. Seymour Court also spoke against the proposal.

The staff recommended denial of the request. It was felt that the request extends beyond the purpose of the access variance. The lots in this subdivision are all over 7000 sq. ft.

A motion to approve and a motion to deny both failed due to a lack of a second.

ACTION: Deferral to full Planning Commission, November meeting.

The applicant stated orally that he would withdraw his request and build two houses on one lot over 14,000 sq. ft. as allowed by Code. He was advised to submit withdrawal in writing. The Bureau of Buildings was instructed to reevaluate issuance of building permit on northerly lot because of flooding potential.

6413 A request to establish city zoning for parcels annexed into the city by Planning Commission Initiation for existing County zoning A2, A1B, R10B, C3-OP, C3; located at Tax Lot 3 and 4 of Lot 25, Highlands Crest Tax Lot 309, Section 6, T1S, R1E (A2.5 proposed city zoning); that portion of Tax Lot 6, Section 6, T1S, R1E, north of the road easement recorded in Book 831, Page 1310, December 29, 1971, east 100 ft. of Tax Lot 303, Section 6, T1S, R1E, Tax Lot 298, 313, Section 6, T1S, R1E, Tax Lot 312, Section 6, T1S, R1E and adjacent southerly portion of Lot 25, Highland Crest (C2BS proposed city zoning); Tax Lot 303, except the east 100 ft, Tax Lot 6 except portion north of road easement, Tax Lots 54, 88, 101, 296, 301, 302, 306, 314, Section 6, T1S, R1E, including the road easement recorded in Book 831, page 1310 on December 29, 1971

Mr. Vail explained that this proposal was to establish city zoning on an area where county zoning was still in effect. He also explained that comparable city zoning was being adopted.

ACTION: Mr. Shannon moved approval of the proposed zoning as shown on the attached map. Seconded by Roso. So ordered.

6115R Amendment A request to amend Ordinance 135218 by the State of Oregon Highway Commission, deedholder Westside School, Inc., renter, to permit 14 people (originally 12) to attend activity center; located at 6930 S.W. Brier Place near S.W. Barbur Boulevard and S.W. Nevada Street; on south 100 feet of the west 140 ft. of Lot 1, Block 28, Southern Portland.

Abby Kliman representing Westside School was present.

The staff recommended approval of the request. There will be no increase in traffic or staff.

ACTION: Roso moved approval of staff report. Seconded by Shannon. So ordered.

6457R A revocable permit request by Emmel and Claire Kirnak, deedholder; for winemaking; located at 7234 S.E. Main Street; on Lots 3 and 4, Block 4, Taborside.

Mr. Kirnak was present to answer questions of the Committee.

Mr. Vail explained the request had been continued for neighborhood input. He then read a letter from Cindy Banzer of the Mt. Tabor neighborhood group stating no objection.

The staff recommended approval of the request.

ACTION: Shannon moved approval of the Staff Report. Seconded by Roso. So ordered.

6466R A revocable permit request by Terwilliger Plaza, Inc., deedholder First National Bank of Oregon, lessee; for banking facility; located at 2545 S.W. Terwilliger Boulevard near S.W. Sheridan; on Tax Lot 2, Section 9, T1S, R1E.

Mr. Vail explained this request and an accompanying Code Amendment regarding accessory uses.

The staff recommended approval of the request and approval of the Code Amendments.

ACTION: Mr. Shannon moved approval of the request and

Mr. Vail then brought to the Committee's attention the following two items for action:

CU 79-75 A conditional use request by Continental Can Company and Genuine Parts, Inc., for excavation and fill on Tax Lot 112, Section 1 T1N, R1W and Tax Lot 59, Section 2, T1N, R1W, located on N. Lombard.

The Staff recommended approval of the request with a waiver of the fee and public hearing.

ACTION: Ms. Roso moved approval of the staff report. Seconded by Mr. Shannon. So ordered.

CU 83-75 A conditional use request by the Archdiocese of Portland through Holy Rosary parish to cover an outside stairway on Block 68, Holladay Addition, located at 375 NE Clackamas.

The Staff recommended approval of the request with a waiver of the fee and public hearing.

ACTION: Ms. Roso moved approval of the staff report. Seconded by Mr. Shannon. So ordered.

The meeting adjourned at 4:35.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

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PORTLAND CITY PLANNING COMMISSION

ZONING COMMITTEE

October 28, 1975

The regular meeting of the Zoning Committee was called to order in Room 200 of the City Hall Annex at 1 p.m. by Chairman Rose'. Present were members Barnett and Wessinger. Also present were Staff Members Vail and George.

CU 55-75 A conditional use request by the American Red Cross for an office on Lot 5 and the north 20 feet of Lot 6, portion of Tax Lot 11, Crocker's Sub Lot 3, Portland Homestead, 4217-19 SW Kelly in Zone A0.

Dean Gisvold, 1408 Standard Plaza, attorney for the applicant, was present to explain proposal and answered committee questions.

Eric Silverstein, 3627 SW Kelly, was present to remonstrate against the request.

The Corbett-Terwilliger Lair Hill Planning Committee recommended approval of the request.

Letters of approval were received from Robert Hugh Reed, Ecumenical Ministries of Oregon, 0245 SW Bancroft Street and Raymond Hall, 4215 SW Kelly.

The Staff recommended approval of the request with the following conditions:

1. That the Red Cross submit and the Planning Commission approve a comprehensive plan prior to any future expansion beyond the present property holdings.
2. That the use of the subject property as an office shall be reapproved as part of said comprehensive plan or it shall revert to residential use.
3. No structural changes shall be made to the subject structure that would preclude its use as a residential dwelling at some time in the future.

ACTION: Mr. Wessinger moved staff recommendation; seconded by Mr. Barnett. The decision was unanimous.

CU 71-75 A conditional use request for an activity building with a variance to waive the required parking for the community (activity) building, a variance to reduce the existing parking for the 36 apartments from 16 spaces to 8 spaces, a variance from 16 spaces to 8 spaces, a variance to increase the height of a wall in the rear yard, west, and side yard, south, from the allowable 6 ft. to 8 ft. in order to erect an 8 ft. walled court yard, a variance to reduce the side yard, south, from the required 10 ft. to 0 ft. in order to construct the proposed building, a variance to reduce the lot area from the required 15,000 sq. ft. to 6,253 sq. ft. in order to use for a community center, near 5041 N. Vancouver north of N. Alberta on Tax Lot 31, Section 22, T1N, R1E in Zone A1.

Wes Korman, Housing Authority, was present on behalf of the request.

The Staff recommended denial as there was no justification for the variances requested. A more appropriate location would be in the C2 zone to the south.

ACTION: Mr. Wessinger moved approval of staff recommendation. Seconded by Mr. Barnett The decision was unanimous.

6453 A zone change from R5 to M3 by Thomas and Doris Wortendyke, deedholders; Don and Kathy Calkins, lessees at 8134 SE Taylor Street on Lot 3, east 10 ft. of Lot 4, Block 1, Strawberry Dale.

Tom Wortendyke and Don Caulkins, applicants, were present to answer questions on the proposed zone change.

Dave Utzinger, 7231 S. E. Sherman, was present to remonstrate against the request. Mr. Utzinger felt there was no public need for the proposed zone change.

Staff recommended denial.

ACTION: Mr. Barnett moved denial; seconded by Mr. Wessinger.
Ayes: Barnett, Wessinger Nays: Rose'

Due to a split vote, the matter was referred to the full Planning Commission.

V 24-75 A street vacation request by Warner Pacific College to consolidate property at SE 69th Avenue between SE Division Street and 175 feet north of Division in Zone A2.5.

Hal Bigeley, architect, was present on behalf of Warner Pacific College.

The Staff recommended approval of the vacation of this segment of SE 69th Avenue because this portion is not needed for public access and its vacation will be beneficial to the public and the neighborhood.

CU 81-75 A conditional use request for a day care center with a play area variance was requested by Mt. Calvary Church of God in Christ, deedholder, 1234 NE Killingsworth in Zone AlL.

Bishop Daniels, pastor, was present to explain the proposal.

Fred Douglas, 5321 NE 13th, was present and wished some clarification as to the hours of the day care center, whether there would be a fence separating his property and the church's and what type of fence that would be.

Mrs. Lena Anderson, 5405 NE 11th, was present and remonstrated against the request. She felt this was not an appropriate location for a use of this type.

A letter of remonstrance was received from Ada Ryan, 1330 NE Church.

The Staff recommended approval of a day care center for a capacity of 40 children with a play area variance from 4,000 to 2,600 sq. ft. with the following conditions:

1) that the church shall screen the south and west property lines to code requirements before the day care center may be established. Such screening shall be a chain-link fence with slats and ivy.
2) that the applicant shall install the three gates on the site as shown on the plans before the day care center may commence operation,
3) that not more than 25 children shall be outside at any one time.

ACTION: Mr. Wessinger moved staff recommendation; seconded by Mr. Barnett. The decision was unanimous.

CU 82-75 A conditional use request by Immanuel Temple Church for a parking lot at 2930 NE Pacific Street on Lots 3 and 4, Block 9, Blumauer in Zone Al.

Mr. Vail stated that the applicant had submitted a letter asking for deferral.

ACTION: Mr. Wessinger moved deferral; seconded by Mr. Barnett. The decision was unanimous.

ACTION: Mr. Wessinger moved approval of staff recommendation; seconded by Mr. Barnett. The decision was unanimous.

23-75 A subdivision request for the Port of Portland, deedholder, on Tax Lot 27, 45, Section 35, T2N, R1W, Rivergate, in Zone M1.

Clifford Hudsick, Planning Manager, was present representing the Port of Portland.

The Staff recommended waiver of the public hearing and approval of the subdivision request with the following conditions:

1. The applicant shall comply with all County Planning Commission conditions (#1- 9 of the February 18, 1975 hearing.
2. The applicant shall revise the final plat (hardboard) for a County Planning Commission signature.
3. All street improvements shall comply with City standards.
4. A copy of the proposed deed restrictions of the buffer area shall be submitted to the City Bureau of Planning as well as all other required agencies.
5. Final plans shall show final contour lines.

The county has held public hearings on the majority of the proposed plat surrounding this small portion within the city limits. The development of the Rivergate area in an orderly and planned progression will be a great benefit to the city and region.

ACTION: Mr. Wessinger moved approval of staff recommendation; seconded by Mr. Barnett. The decision was unanimous.

CU 91-75 A request to substitute plans approved under CU 44-75 on Lots 1, the west half of Lot 9 and Lots 18-20, Block 5, Portsmouth Addition in Zone R5, requested by Church of Jesus Christ, Latter Day Saints, deedholder.

Staff recommended approval of revised plans subject to the same conditions attached to CU 44-75 waiving a hearing and fee.

ACTION: Mr. Barnett moved approval; seconded by Mr. Wessinger. The decision was unanimous.

The meeting adjourned at 3:40 p.m.

Respectfully submitted,

Spencer H. Vail
Zoning Supervisor

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
10/30/75	3225. An Ordinance amending Title 3, Administration, by adding a new chapter entitled "Property Tax Exemption for Residential Rehabilitation Improvements" and authorizing therein a local property tax exemption for rehabilitation improvements in certain nonowner-occupied residential property, establishing procedures for the administration of the exemption, and declaring an emergency. (Read Twice) (3171)	Passed
	3226. A Resolution directing the Office of Planning and Development to urge taxing districts within the City of Portland to agree to a policy of limited tax assessment as provided by ORS 308.450-481. (Introduced by Mayor Goldschmidt) (3117)	Passed
	3233. Returning C.C. No. 2704, being an Ordinance granting a revocable permit to Erwin and Marguerite Kalesse, dba Kalesse Automobile Service, deedholders, for truck parking on Tax Lot 1 and Lot 1, Block 3, Home Addition, located at 3530 S.W. Multnomah Boulevard, under certain conditions, and declaring an emergency, and also presenting a revised Ordinance; both to be considered by City Council.	Filed Report
	3234. An Ordinance granting a revocable permit to Erwin and Marguerite Kalesse, dba Kalesse Automobile Service, deedholders, for truck parking on Tax Lot 1 and Lot 1, Block 3, Home Addition, located at 3530 S.W. Multnomah Boulevard, under certain conditions, and declaring an emergency. (Read Twice) (2704)	Failed
	3235. An Ordinance granting a revocable permit to Erwin and Marguerite Kalesse, deedholders, and Kalesse Automobile Service, Inc., lessee, for parking trucks over 18,000 gvw (gross vehicle weight) on Tax Lot 1 and Lot 1, Block 3, Home Addition, located at 3530 S.W. Multnomah Boulevard, under certain conditions, and declaring an emergency.	To Third Reading
	3237. Amending Title 33, Planning and Zoning, to allow an interpretation of uses permitted as accessory uses in Zone A0 in order to permit uses other than the ones listed when found to be similar to the uses listed, and to clarify that these uses are primarily for the convenience of the apartment residents.	Continued One Week
	3240. Granting a revocable permit to Terwilliger Plaza, Inc., deedholder, and First National Bank of Oregon, lessee, for the establishment of a banking facility on the second floor of Terwilliger Plaza on Tax Lot 2, Section 9, T1S, R1E, located at 2545 S.W. Terwilliger Boulevard, under certain conditions, and declaring an emergency.	Passed
11/05/75	3284. Establishing FF Zone in recently-annexed Lots 1 through 56 (all), Macleay's Skyline Homes; Tax Lots 27, 28, 15 and 18 except the north 400 feet, Section 32, T2N, R1W; Tax Lot 19, Section 4, T1N, R1W and Tax Lots 1 and 2, Section 5, T1N, R1W, located on N.W. Skyline Boulevard from N.W. Ash Street to N.W. McNamee Road, and declaring an emergency.	Passed
	3292. Report of the City Planning Commission initiating City A2.5, C2BS and C2S zoning for Lot 25, Highlands Crest, and Tax Lots 6, 54, 88, 101, 296, 298, 301, 302, 303, 306, 309, 312, 313, and 314, Section 6, T1S, R1E, as shown on map. Approval with condition recommended. (PC 6413)	Adopted PC Report
	3293. Report of the City Planning Commission on the petition of Hermann Joseph and Marie K. Neukamm, deedholders; William V. DeBellis, Jr., and Ted Amato, optional purchasers, to change from Zone R5 to A2.5, Lot 19, Lot 20 except the south 100 feet of the west 15 feet, and Lot 21, except the south 100 feet, Block 1, Maplewood, located on the north side of S.E. Boise Street, west of S.E. 42nd Avenue. Approval recommended. (PC 6461)	Adopted PC Report

COUNCIL ACTIONS

DATE	ITEM	DISPOSITION
	3294. Report of the City Planning Commission on the request of the State of Oregon Highway Commission, deedholder; and Westside School, Inc., renter, to amend revocable permit Ordinance No. 135218 to increase from 12 to 14 the number of persons served by the activity center for retarded adults on the south 100 feet of the west 140 feet of Lot 1, Block 28, Southern Portland, located at 6930 S.W. Brier Place, in Zone R5S. Approval recommended. (PC 6115R Amendment)	Adopted PC Report
	3295. Report of City Planning Commission on appeal of Federal Sign and Signal Corporation, agent for Reorgeon, Inc., deedholders, against denial of the Variance request for permission to reduce the front yard, west, from the required 15 to 0 feet on Lot 1 and the east 97 feet of the north 42 feet of Lot 2, Block 4, Mt. Scott Park, in order to erect a sign, located at 8816 S.E. Foster Road, in Zone M3. Denial reaffirmed. (PC VZ 189 75)	Appeal Granted
11/06/75	3298. An Ordinance amending Title 33, Planning and Zoning, to allow an interpretation of uses permitted as accessory uses in Zone A0 in order to permit uses other than the ones listed when found to be similar to the uses listed, and to clarify that these uses are primarily for the convenience of the apartment residents. (3237)	Passed
	3310. Granting a revocable permit to Erwin and Marguerite Kalesse, deedholders, and Kalesse Automobile Service, Inc., lessee, for parking trucks over 18,000 gvw (gross vehicle weight) on Tax Lot 1 and Lot 1, Block 3, Home Addition, located at 3530 S.W. Multnomah Boulevard under certain conditions. (3235)	
11/12/75	3373. Report of the City Planning Commission on the petition of Mrs. Ottilia Bierek, deedholder, and Oregon-Southern Idaho-Wyoming District Council of Laborers, Optional Purchasers, to change from Zone R5 to C4, Tax Lot 5 of Lot 9, D & O Little Homes Sub 4, located at 10245 S.E. Holgate Boulevard. Approval with conditions recommended. (PC 6464)	Adopted PC Report
	3374. Report of the City Planning Commission initiating a change from County Zone R10 to City Zone R10, Tax Lot 3 of Lots 7 and 9, Humphrey Park, located at 2425 S.W. Humphrey Park Road at S.W. Humphrey Road, annexed to the City. Approval recommended. (PC 6468)	" "
	3375. Report of the City Planning Commission on appeal of Dorothy Gage against granting the application of Hazen P. and Bessie L. Roeder, deedholders, and others, for approval of a land subdivision replat of Tax Lot 93, Section 19, T1S, R1E, located on the east side of S.W. 56th Avenue south of S.W. Multnomah Boulevard, in Zone R10, into 4 lots, 3 requiring variances in lot depth or area. Approval with conditions reaffirmed. (PS S16-75)	" "
	3376. Report of the City Planning Commission on the appeal of Foster & Kleiser and others, from the decisions of the Sign Review Committee on 12 sign continuation requests as follows: SR 36-69, SR 38-69, SR 40-69, SR 41-69, SR 48-69, and SR 35-70 for 12 feet by 25 feet illuminated poster panels; SR 35-69, SR 37-69, SR 43-69, and SR 49-69 for 14 feet by 48 feet illuminated bulletin boards; SR 42-69 for a poster panel; SR 44-69 sign has been removed since appeal. Approval of SR 35-70 for one year; denial of the other 11 requests reaffirmed.	Continued to December 17, 1975
	3377. Report of the City Planning Commission on the appeal of Dennis R. O'Neel against denial of variance request of Dora Sinn, deedholder, and Dennis R. O'Neel, contract purchaser, to reduce the minimum lot depth from the required 90 feet to 80.81 feet and to reduce the minimum lot area from the required 7000 square feet to 6060.75 square feet on Lots 9 through 11 except the north 15 feet, Block 13, Lyndhurst, located on the north side of S.W. Nevada Court between S.W. 36th and S.W. 37th [illegible] Zone R7. Denial reaffirmed. (PC VZ 183-75)	Continued one week to am calendar

DATE	ITEM	DISPOSITION
11/19/75	3390. Report of the City Planning Commission on the appeal of Dennis R. O'Neel against denial of variance request of Dora Sinn, deedholder, and Dennis R. O'Neel, contract purchaser, to reduce the minimum lot depth from the required 90 ft. to 80.81 ft. and to reduce the minimum lot area from the required 7000 sq. ft. to 6060.75 sq. ft. on Lots 9 through 11 except the north 15 ft., Block 13, Lyndhurst, located on the north side of S.W. Nevada Court between S.W. 36th and S.W. 37th Avenues, in Zone R7. Denial reaffirmed. (P.C. VZ 183-75) (3377)	Adopted VZ Report
	3400. Returning C.C. No. 3158, being report of the City Planning Commission on the appeal of E. W. and Catherine M. Asbahr, deedholders, against denial of variance request to reduce the setback for a storage shed from the required 25 ft. to 19 ft. and to reduce the rear yard, west, from the required 5 ft. to 0 ft. on Lot 1, Block 4, Wilburton, located at 1818 N. Dekum St., in Zone R5, together with a report from the Code Policy Officer, Bureau of Buildings; recommending that this matter be filed.	Filed Report Referred to Committee on Claims
	3412. Establishing A2.5, C2BS and C2S zoning in recently annexed Lot 25, Highlands Crest and Tax Lots 6, 54, 88, 101, 296, 298, 301, 303, 306, 309, 312, 313 and 314, Section 6, T1S, R1E, and declaring an emergency.	Adopted
11/20/75	3415. An Ordinance granting a revocable permit to Erwin and Marguerite Kalesse, deedholders, and Kalesse Automobile Service, Inc., lessee, for parking trucks over 18,000 GVW (gross vehicle weight) on Tax Lot 1 and Lot 1, Block 3, Home Addition, located at 3530 S.W. Multnomah Boulevard under certain conditions. (3310)	Ordinance Failed
	3420. Amending Chapter 33.82, Parking Regulations, of the Code of the City of Portland by prohibiting surface parking as the dominant use of land on which there has been an "H" occupancy improvement intentionally demolished within the preceding three years, and declaring an emergency.	Referred to Mayor

STAFF REPORT

P.C. File: 6453

Committee Meeting: December 2, 1975

Applicant: Thomas and Doris Wortendyke, deedholders; Don and Kathy Calkins, lessees

Zone Change Request: R5 to M3

Location: 8134 SE Taylor Street

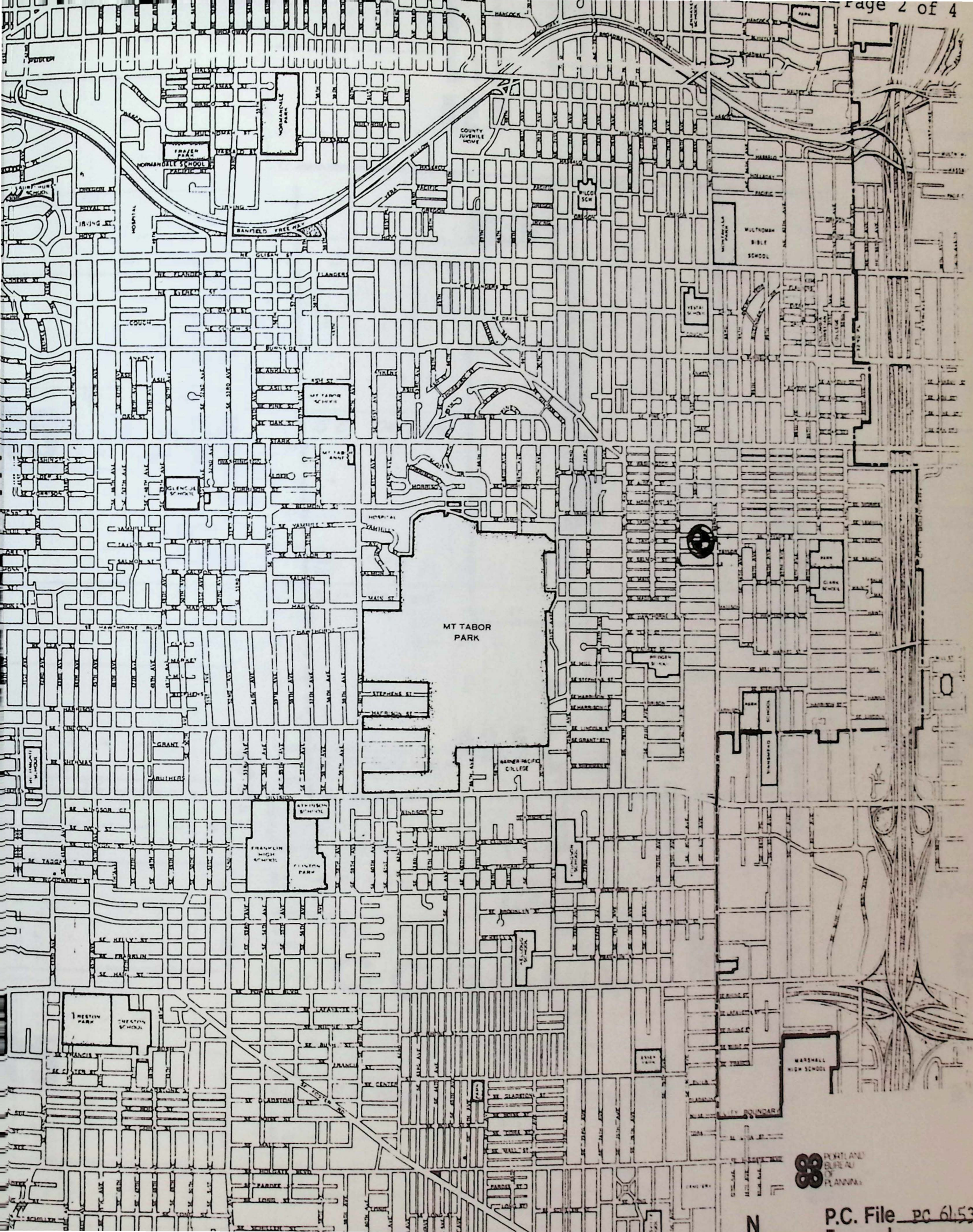
Legal Description: Lot 3, east 10 ft. of Lot 4, Block 1, Strawberry Dale

Petition Percentage: 67.7%

Quarter Section: 3138

Applicant's Proposal: The applicant proposes to use the subject property for off-street parking and the display of campers in conjunction with adjacent camper sales business.

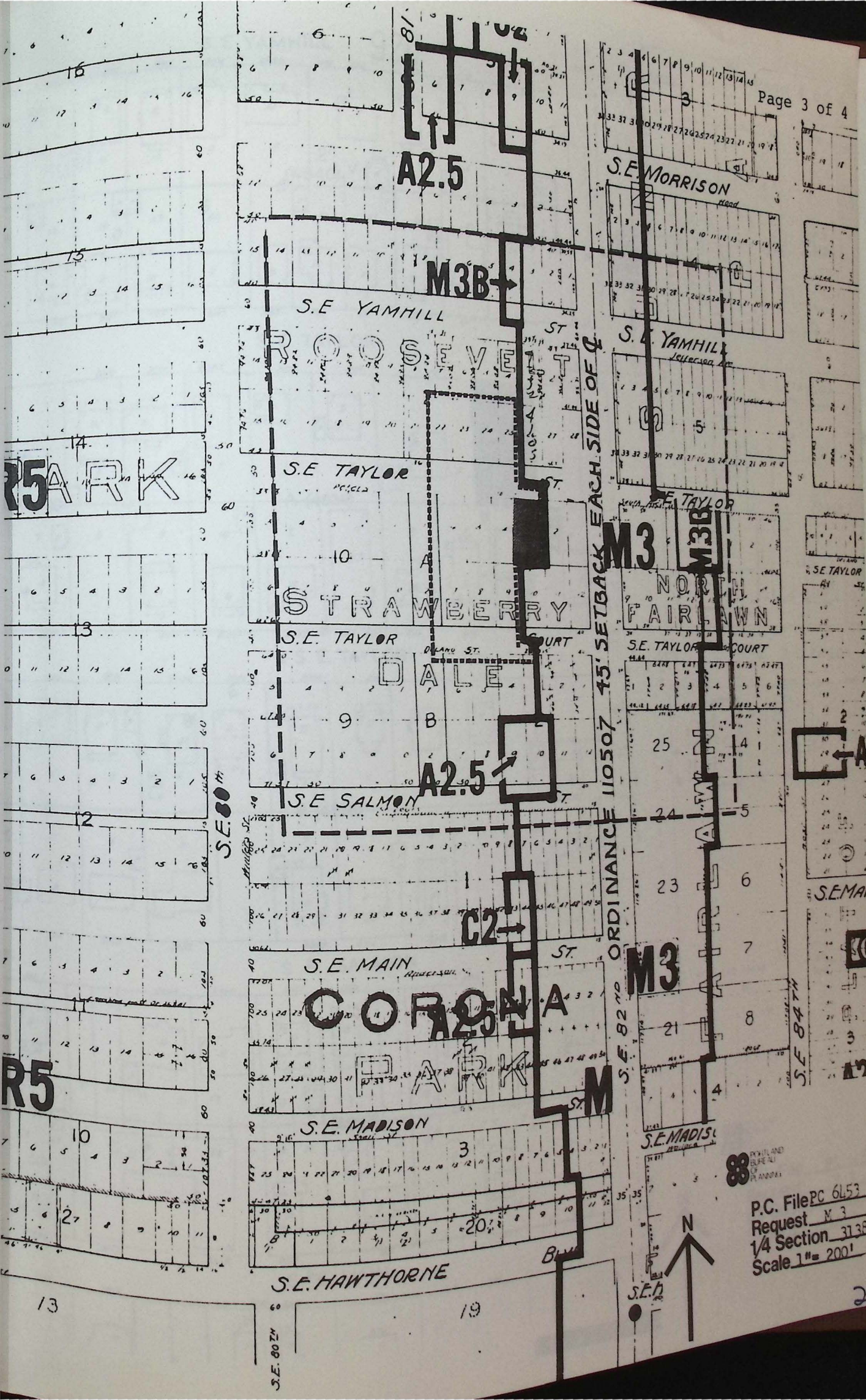
On October 28, 1975, the Zoning Committee could not agree on a recommendation and therefore referred the matter to the full Planning Commission.



PORTLAND BUREAU OF PLANNING

N

P.C. File PC 6453



P.C. File PC 6453
Request M 3
1/4 Section 3138
Scale 1" = 200'

S. E. TAYLOR

S. E. TAYLOR

R S. E. TAYLOR CT.

S. E. TAYLOR

S. E. SALMON

P.C. File PC 6153