



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

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RECOMMENDATION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 11-138415 CP ZC (HO 4110024)

Applicant: Ty Johnson, Vice Principal
Portland Adventist Academy
1500 SE 96th Avenue
Portland, OR 97216

Representative: Ryan Schera, Planner
Group Mackenzie
1515 SE Water Avenue, Suite 100
Portland, OR 97214

Hearings Officer: Kenneth D. Helm

Bureau of Development Services (BDS) Staff Representative: Kathleen Stokes

Site Address: 1500 SE 96th Avenue

Legal Description: TL 12500 0.04 ACRES, CANCEL INTO R643109 SECTION 04 1S 2E, TL 12500 0.04 ACRES; TL 2500 5.29 ACRES SPLIT LEVY R332448 (R992044390), SECTION 04 1S 2E; TL 2501 0.86 ACRES SPLIT LEVY R332431 (R992044130), SECTION 04 1S 2E; TL 2601 0.01 ACRES SPLIT LEVY R332465 (R992044740), CANCEL INTO R332431 / SECTION 04 1S 2E, TL 2601 0.01 ACRES; TL 2600 0.01 ACRES SPLIT LEVY R332455 (R992044480), CANCEL INTO R332465 / SECTION 04 1S 2E, TL 2600 0.01 ACRES

Tax Account No.: R992043930, R992044130, R992044390, R992044480, R992044740
State ID No.: 1S2E04DA 12500, 1S2E04A 02500, 1S2E04A 02501, 1S2E04A 02601, 1S2E04A 02600

Quarter Section: 3140

Neighborhood: Hazelwood

Business District: Gateway Area Business Association

District Coalition: East Portland Neighborhood Office.

Plan District: Gateway

Zoning: IRd (RXd), Institutional Residential with a Design Overlay and Central Residential Comprehensive Plan Map designation

Land Use Review: Type III, Comprehensive Plan Map and Zoning Map Amendments

BDS Staff Recommendation to the Hearings Officer: Approval with conditions

Public Hearing: The hearing was opened at 1:31 p.m. on October 19, 2011, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:13 p.m. The Hearings Officer discussed the requirements of ORS 197.763 and disclaimed any *ex parte* contacts or conflicts of interest. The Hearings Officer stated that for testimony to be relevant, it must be directed at the applicable approval standards set forth in the BDS Staff Report. The Applicant waived Applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional seven day time period to submit written rebuttal into the record. The record was closed to all testimony and/or written submissions at the end of the hearing.

Testified at Hearing:

Kathleen Stokes, 1900 SW 4th Avenue, Suite 5000, Portland, OR 97201
Mike Robinson, 1120 NW Couch Street, 10th floor, Portland, OR 97205
Ryan Schera, 1515 SE Water Avenue, Suite 100, Portland, OR 97214

Proposal: The Applicant is proposing a change in the Comprehensive Plan Map Designation for this 267,738 square-foot parcel, from Central Residential to Central Employment, and a concurrent Zoning Map Amendment, from IRd to EXd.

The Applicant is proposing that the buildout for uses that would be allowed under the EX zone designation be limited so that any future development would generate no more than 998 p.m. peak hour vehicle trips. The following table was used to calculate allowed floor area for the uses on the site, to ensure that the amended motor vehicle trip cap would not be exceeded.

TABLE 1 – LAND USE TRIP CONVERSIONS				
EX Allowed Land Use	ITE Use Code	Unit	Size	PM Peak Hour Trip Equivalent
Household Living	220	Dwelling	2	1 Trip
Retail	820	SF	300	1 Trip
Office	710	SF	780	1 Trip
Vehicular Repair	942	SF	240	1 Trip
Manufacturing and Production	140	SF	1,560	1 Trip
Warehouse and Freight Movement	150	SF	2,640	1 Trip
Wholesale Sales	860	SF	2,280	1 Trip
Industrial Service	130	SF	1,320	1 Trip
Parks and Open Areas	412	SF	8,760	1 Trip
Schools	530	SF	540	1 Trip
Colleges	540	SF	420	1 Trip
Medical Center	610	SF	780	1 Trip
Religious Institutions	560	SF	1,200	1 Trip
Daycare	565	SF	84	1 Trip

The data in this table was used in part to demonstrate compliance with Title 33.810 and 33.855 which are discussed in more detail below.

Relevant Approval Criteria:

Title 33, the Planning and Zoning Code:

- 33.810.050 Comprehensive Plan Map Amendments
- 33.855.050-060 Zoning Map Amendments

II. ANALYSIS

HEARINGS OFFICER'S OVERVIEW OF ISSUES AND RELEVANT APPROVAL CRITERIA:

At the October 19, 2011, public hearing, no party testified in opposition to the application. BDS Staff found that the proposed Comprehensive Plan Map Amendment and Base Zone Amendment can be approved with conditions. The Hearings Officer has reviewed the staff report and case file and agrees.

At the public hearing, the Applicant briefly explained two minor proposed revisions to the conditions of approval. Those revisions are set forth in Exhibit H.6. Neither BDS Staff nor Portland Bureau of Transportation (PBOT) Staff objected to the proposed revisions. Conditions D and E are revised below to reflect those changes.

Site and Vicinity: The site consists of a 6.15 acre property (267,738 square feet) that is located on the south side of SE Main Street and is bounded on the west and the east by SE 96th and SE 100th Avenues. The site is mostly undeveloped, containing only one building that serves as a storage facility for the Adventist Academy High School, which is located on the abutting property to the south. Prior to approval of a Property Line Adjustment earlier this year, the high school property and this subject parcel were all one site. The MAX light rail line is immediately to the west of SE 96th Avenue and the I-205 freeway lies to the west of the light rail. Beyond the freeway, and to the south of the high school campus, the area is mainly comprised of single-dwelling residential development. To the east of the site is the Adventist Medical Center campus. Beyond the hospital and medical offices are the Adventist Sunnyside Church and the Cherrywood Village retirement community. A small strip of land that is owned by the hospital and contains parking areas and maintenance facilities is located to the north of the site. The Mall 205 shopping center is directly to the north of the hospital property.

Zoning: The site is currently zoned IRd, Institutional Residential with a Design Overlay. The Institutional Residential designation was placed on the property because it was historically a part of the Portland Adventist Academy campus. The IR designation is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects, including both residential development and institutions are allowed as well as projects that are entirely residential or institutional. IR zones are located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification.

The Comprehensive Plan Map designation for the site is RXd, Central Residential, with a Design Overlay. The RX zone is a high density multi-dwelling zone that allows the highest density of dwelling units of all the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by Floor Area Ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City Plan District.

The proposed Comprehensive Plan Map and Zoning Map designation for the site is EXd, Central Employment, with a Design Overlay. This designation implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The EX development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. The "d" overlay always accompanies zoning designations of RX, CX and EX, due to the highly built-up and centralized location of areas with these zoning designations.

Land Use History: City records include the following prior land use reviews for this site:

LU 60-100153 - 1960 Multnomah County approval of the location of a private secondary school, accomplished by changing the zoning designation from R-7 to R-7 C-S.

LU 61-100119 - 1961 Multnomah County approval of Ten (10) Classroom Secondary School Permit.

LU 70-002522 CU - 1970 Conditional Use Review for over-height fence. Recommendation was for approval. Final decision not known.

LU 75-100050 - 1975 Multnomah County approval of Temporary Permit Renewal (Trailer as Classrooms).

LU 77-100073 - 1977 Multnomah County approval of Temporary Permit Renewal (no additional details given).

LU 79-020361 - Multnomah County design review for Industrial Arts Building. Final decision not known.

Although not a land use review, the Property Line Adjustment, PR 10-114864 PLA, which was approved earlier this year, is also relevant to the history of this property. This realignment of the existing property lines for the Adventist Academy properties allowed the Applicant to separate the subject parcel from the main high school campus, which abuts the site to the south. The resulting

plat shows the 267,738 square-foot subject site (Tract No. 2) and the 568,695 square-foot campus (Tract No. 1).

Agency Review: A “Request for Response” was mailed August 4, 2011. The following bureaus responded and raised no concerns:

- The Bureau of Environmental Services (BES) provided information on the sanitary sewer systems in this part of the City and noted some limitations that need to be considered for the development that could be allowed under the requested EX map designation. Information was also provided on the requirements for storm water management for the eventual development of the site. Exhibit E.1.
- PBOT discussed the potential transportation system impacts that could occur from the allowed uses under the requested EX map designation. Analysis was provided of the request as it relates to transportation related goals and policies of the Comprehensive Plan and the State of Oregon Transportation Planning Rule. A recommendation for approval was made, based on build-out that would equate to a limitation of 998 p.m. peak hour motor vehicle trips. Exhibit E.2.
- The Water Bureau noted that there were no objections to approval of the requested EX map designation and provided information on requirements for water service for the future development of the site. Exhibit E.3.
- The Fire Bureau stated that they have no objections to the proposal and that fire code requirements will be applied at the time of development. Exhibit E.4.
- The Police Bureau indicated that they are capable of serving the uses that might be allowed under the requested designation. Exhibit E.5.
- Site Development Section of BDS noted requirements for future development, including decommissioning of any cesspools that may remain on the site. Exhibit E.6.
- Life Safety Plan Review Section of BDS and Parks-Forestry Division provided electronic responses of “no concerns.”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 30, 2011. No written responses were received from either the neighborhood association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.810.050 Comprehensive Plan Map Approval Criteria

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

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

Findings: The Applicant requests a Comprehensive Plan Map Amendment and concurrent Zoning Map Amendment to change the current designation and zoning on a portion of the ownership from RX, Central Residential to EX, Central Employment. The proposed EX zone will also retain the existing Design Overlay designation.

On balance, based on the findings below, the requested designations will be equally supportive of the Comprehensive Plan as the existing designation, and therefore, this criterion is met.

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

Goal 1 Metropolitan Coordination

The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.

Findings: The *Urban Growth Management Functional Plan* was approved November 21, 1996 by the Metro Council and became effective February 19, 1997. The purpose of the plan is to implement the Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept. Local jurisdictions must address the Functional Plan when Comprehensive Plan Map Amendments are proposed through the quasi-judicial or legislative processes. The *Urban Growth Management Functional Plan* is Section 3.07 of the Metro Code. The relevant titles in that section are summarized and addressed below.

Overall, as noted in the discussion below, the request to redesignate and rezone from Central Residential to Central Employment will have little or no effect on the intent of these titles or these titles will be met through compliance with other applicable City regulations. The project is consistent with Metro's regional planning framework, and therefore the requested Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 1, Metropolitan Coordination, of the City's Comprehensive Plan.

Urban Growth Management Functional Plan

Title 1 - Requirements for Housing and Employment Accommodation

This section of the Functional Plan facilitates efficient use of land within the Urban Growth Boundary (UGB). Each city and county has determined its capacity for providing housing and employment which serves as their baseline and if a city or county chooses to reduce capacity in one

location, it must transfer that capacity to another location. Cities and counties must report changes in capacity annually to Metro.

Comment: This proposal does not include a specific development project. Future development of the site will allow housing as well as other nonresidential development that is allowed under the EX designation. These development options include office and retail development which will provide additional employment opportunities. A condition of approval will require that the build-out for nonresidential uses be limited in order to preserve the transportation capacity to meet the current minimum residential density requirements of the RX designation and thereby preserve the housing potential of the site. With this condition, this proposal complies with the intent of Title 1.

Title 3 - Water Quality and Flood Management

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

Comment: Compliance with this title is achieved through the implementation of the Stormwater Management Manual and other development regulations at the time of Building Permit review. BES analyzed the Applicant's proposal and found that there is adequate space available to realistically expect that the City's Stormwater Management Manual and the regulations regarding geotechnical issues and erosion control measures can be met at the time of development. The proposal complies with the intent of this Title.

Title 6 - Centers, Corridors, Station Communities and Main Streets

The intention of Title 6 is to enhance the Centers designated on the 2040 Growth Concept Map by encouraging development in these Centers. This title recommends planning actions such as: (1) completing an assessment, (2) developing a plan of action for public investments and (3) developing incentives for private investment to achieve mixed-use, pedestrian-friendly, transit-supportive development that supports the 2040 Growth Concept.

Comment: The subject site is located within the Gateway regional center and the light rail station area for the station at SE 96th Avenue and SE Main Street. Title 6 states that centers, corridors, station communities and main streets need a mix of uses, such as grocery stores and restaurants, schools, medical offices and public spaces to be vibrant and walkable. BDS Staff found that the proposed EX designation will allow the type of mixed-use development that is needed to support the station area and the adjacent medical center campus and nearby residential uses, including the single-dwelling development to the south and the retirement community to the east. The proposal supports the aims that are stated in this Title.

Title 7 – Housing Choice

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

Comment: The City's "no-net loss" housing policy and approval criterion 33.810.050.A.2 are addressed by a condition of approval that requires a portion of the p.m. peak hour vehicle trips that may be generated by the development on the site to be preserved for housing units. If additional peak hour trips are desired for nonresidential development for this site, the equivalent number of residential units will need to be constructed at another location. When built, the then-current property owner will be required to submit a covenant that protects the housing that has been developed on this or any alternate commercially-zoned site for at least 25 years. The City's residential zones do not consider or regulate affordability (costs/rents). The preservation or replacement of housing potential from the subject site to another property will ensure that the City maintains its overall supply of housing units. The proposal does not conflict with this title.

Title 12- Protection of Residential Neighborhoods

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

Comment: The proposal is subject to review and evaluation against existing and future demand on public services, and whether there are adequate service levels to support the proposed re-designation and zoning pattern. To the extent that the proposal meets the criteria found in 33.855.050 B, as discussed below, the proposal is consistent with the intent of this title. Pollution and noise control is achieved via compliance with other City regulations at time of Building Permit review for new development. The Portland Police Bureau stated that they are capable of serving the potential uses on the site and has found no particular potential for crime-related issues. Exhibit E.5.

Title 13- Nature in Neighborhoods

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

Comment: The site is not located in an environmental or greenway overlay zone, nor is it within a floodplain. Water quality requirements will be satisfied through the City's Stormwater Management Manual requirements. The proposal complies with the intent of this Title.

GOAL 2: Urban Development

Maintain Portland's role as the major regional employment, population and cultural center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers.

Findings: BDS Staff found, and the Hearings Officer concurs, that the proposal will help to maintain Portland's role as a major employment and population center by providing an opportunity for commercial and/or employment development adjacent to the light rail station, while preserving the housing potential of the site. Due to the location of the site, abutting the I-205 Freeway on the west, and adjacent to the Adventist Medical Center to the east and the north, and to the Adventist

Academy, to the south, the residential area is buffered such that the proposal will not have any significant impact on the established neighborhood.

The proposal is consistent with the applicable policies of this goal, as described in the following commentaries. The applicable policies include: *Policy 2.1 Population Growth, Policy 2.2 Urban Diversity, Policy 2.9 Residential Neighborhoods, Policy 2.11 Commercial Centers, Policy 2.12 Transit Corridors, Policy 2.17 Transit Stations and Transit Centers, Policy 2.18 Transit-Supportive Density, Policy 2.19 Infill and Redevelopment, Policy 2.20 Utilization of Vacant Land, Policy 2.22 Mixed Use and Policy 2.23 Buffering*. Because of the proposal's consistency with these relevant policies, the proposal is supportive of Comprehensive Plan Goal 2 Urban Development.

Policy 2.1 Population Growth

Allow for population growth within the existing city boundary by providing land use opportunities that will accommodate the projected increase in city households by the year 2000.

Comment: The proposal is consistent with this policy because a condition of approval will ensure that the capacity for the density that is currently required by the RX designation will be maintained for this site and will only be allowed to be used for residential development unless the residential units are subsequently provided on another site.

Policy 2.2 Urban Diversity

Promote a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population.

Comment: The proposal is supportive of this policy because the EX designation will allow a range of commercial activities, while a condition of approval will retain the potential for a significant number of residential units on the site.

Policy 2.9 Residential Neighborhoods

Allow for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods.

Comment: As previously noted, the minimum density requirements for the current RX designation will be retained for the site through a condition of approval. The EX designation will allow live-work opportunities, mixed-use development, and other types of innovative, transit supportive uses to occur on this site. This will provide an opportunity to accommodate a range of housing types and situations.

Policy 2.11 Commercial Centers

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

Comment: The subject site is not located within a commercial center, but it is adjacent to the Adventist Medical Center and only a few hundred feet from the Mall 205 shopping center. A light rail station is across the street from the site. Access to the freeway and to neighborhood connecting streets and bus lines is available along the nearby street frontages. The property could potentially provide an opportunity for small scale retail and office and higher density residential development that can strengthen the commercial center and also provide a meaningful transition area between the commercial center and the surrounding residential neighborhood.

Policy 2.12 Transit Corridors

Provide a mixture of activities along Major Transit Priority Streets, Transit Access Streets, and Main Streets to support the use of transit. Encourage development of commercial uses and allow labor-intensive industrial activities which are compatible with the surrounding area. Increase residential densities on residentially-zoned lands within one-quarter mile of existing and planned transit routes to transit-supportive levels. Require development along transit routes to relate to the transit line and pedestrians and to provide on-site pedestrian connections.

Comment: This policy is supported because the proposal will allow a wide variety of commercial uses and also maintain a potential for residential density that can support the adjacent light rail. The proposal is consistent with this policy.

Policy 2.17 Transit Stations and Transit Center

Encourage transit-oriented development patterns at transit stations and at transit centers to provide for easy access to transit service. Establish minimum residential densities on residentially-zoned lands within one-half mile of transit stations and one-quarter mile of transit centers that support the use of transit. The design and mix of land uses surrounding transit stations and transit centers should emphasize a pedestrian-and bicycle-oriented environment and support transit use.

Comment: The site abuts a transit station, at SE 96th Avenue and SE Main Street. The Applicant does not have a specific development proposal at this time. However, the regulations for the requested EX designation and the additional requirements that are placed by the Gateway Plan District will ensure that future development is designed with a strong transit and pedestrian orientation. A condition of approval will ensure that the current minimum density requirement will be maintained by reserving an equivalent number of vehicle trips for residential use only, which will further support the intent of this policy.

Policy 2.19 Infill and Redevelopment

Encourage infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. Encourage infill and redevelopment in the Central City, at transit stations, along Main Streets, and as neighborhood infill in existing residential, commercial and industrial areas.

Comment: This policy is supported because the request, if approved, will allow for the redevelopment of underutilized land that can support the City's growth principles and accommodate

expected increases in population and employment on this site that is adjacent to the SE Main Street Transit Station. The proposal supports this policy.

Policy 2.20 Utilization of Vacant Land

Provide for full utilization of existing vacant land except in those areas designated as open space.

Comment: The proposal will enable the redevelopment of the site which has been largely vacant. The record shows that the Applicant has acknowledged the need to identify the high school campus as a separate site which will require that a small extension of land is severed leaving only a free standing storage building on the site. This leaves the remainder of the site available for new development that can promote the goals of the Gateway Plan District and the Main Street light rail station area. This policy will be supported by this proposal.

Policy 2.22 Mixed Use

Continue a mechanism that will allow for the continuation and enhancement of areas of mixed use character where such areas act as buffers and where opportunities exist for creation of nodes or centers of mixed commercial, light industrial and apartment development.

Comment: This policy is supported because the proposal offers the opportunity for a development plan that would expand the existing node of commercial uses at Mall 205 and in the immediate vicinity to the SE Main Street light rail station.

Policy 2.23 Buffering

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

Comment: The requested designation and zone change are for lots that are currently zoned for residential use. There are, however, no abutting residential uses because the property that is immediately adjacent to the subject site is developed with nonresidential uses and so are the properties that are located across the street from the site. BDS Staff noted there is no designation for a future Buffer overlay zone. This policy is met.

Policy 2.27 Outer Southeast Community Plan

Promote the economic vitality, diverse residential character, environmental quality, and livability of Outer Southeast Portland by including the Outer Southeast Community Plan as a part of this Comprehensive Plan.

Comment: The Outer Southeast Community Plan was adopted as a part of the City's Comprehensive Plan on March 25, 1996. Discussion of the ways that the relevant policies and objectives of the plan are reflected by the proposed EX map designation for this site are discussed in

the comments for Policy 3.9, Outer Southeast Community Plan Neighborhoods and Business Plan, below.

GOAL 3: Neighborhoods

Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality.

Findings: BDS Staff found, and the Hearings Officer agrees, that the proposal is consistent with the applicable policies of this goal, as described in the following commentaries. The applicable policies include: *Policy 3.5 Neighborhood Involvement and Policy 3.6 Neighborhood Plan*. The proposal supports the relevant policies and objectives of the adopted Outer Southeast Community Plan and the Hazelwood Neighborhood Plan. Therefore, the proposal is supportive of Comprehensive Plan Goal 3 Neighborhoods.

Policy 3.5 Neighborhood Involvement

Provide for the involvement of neighborhood residents and businesses in decisions affecting their neighborhood.

Comment: The nearby residents and businesses were notified by the City of the proposed change of designation and invited to participate through written or oral testimony. This ensures that they had the opportunity to be involved in the decision of the potential for future development of the site, which supports this Policy.

Policy 3.6 Neighborhood Plan

Maintain and enforce neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council.

Policy 3.9 Outer Southeast Community Plan Neighborhoods and Business Plan

Include as part of the Comprehensive Plan neighborhood and business plans developed as part of the Outer Southeast Community Plan. Neighborhood and business plans developed as part of the Outer Southeast Community Plan are those for ... (twelve different neighborhood and business groups, including Hazelwood). Use the Neighborhood plans to guide decisions on land use, transportation and capital expenditures, community development programs, where applicable.

Objective C. Reinforce the vitality of experience and quality of life for residents, commuters, workers, visitors, and businesses in Hazelwood.

Objective H. Enhance the image, marketability, and vitality of businesses and business areas in Outer Southeast. Use the Outer Southeast Business Plan to guide decisions on land use, transportation, capital expenditures, and economic revitalization programs.

Comment: The site lies within the Outer Southeast Community Plan area and is also located within the boundaries of the Hazelwood Neighborhood Plan. These plans, along with the Outer Southeast

Business Plan, were adopted by City Council on January 31, 1996. These adopted plans are specifically included under Policy 3.6 and the direction to follow their guidance is further elucidated through Policy 3.9. In showing how the proposed EX designation for this site is consistent with and supportive of these adopted plans, the following Community and Neighborhood Plan policies and objectives are relevant to this proposal:

Outer Southeast Community Plan

Economic Development Policy: Improve the vitality of outer southeast business districts and employment centers. Ensure that they grow to serve the needs of outer southeast residents, attract customers from throughout the region, and generate family wage jobs for residents.

Comment: The proposal is consistent with this policy because the proposed designation will allow the potential for commercial development and high density residential development that will strengthen the economic vitality of the node around the Main Street Transit Station, expanding out from Mall 205 and Adventist Medical Center, at the southeast corner of the Gateway Regional Center.

Transportation Policy: Ensure that streets in outer southeast form a network that provide(s) for efficient travel throughout the community and to other parts of Portland and the region. Reduce congestion and pollution caused by the automobile by creating land use patterns that support transit, bike, and pedestrian travel.

Comment: The proposal supports this policy, at least as well as the existing RX designation. The potential for development of offices or other commercial uses, together with high density residential at this location will support the adjacent light rail line. The development standards for the EX designation, linked with the requirements of the Gateway Plan District, will ensure that bicycle and pedestrian transportation opportunities are also further encouraged in the area.

Housing Policy: Provide a variety of housing choices for outer southeast community residents of all income levels by maintaining the existing sound housing stock and promoting new housing development.

Comment: No specific development is being proposed at this time. A condition of approval will require that a portion of the maximum vehicle trips that could be allowed for the build-out of the site will be preserved to accommodate the required minimum density of the RX designation (536 units or 268 p.m. peak hour trips). With this condition, the EX designation will carry forward a minimum density requirement for the site, which will ensure that new housing will be provided when there is a demand for it to be constructed.

Urban Design Policy: Foster a sense of place and identity for the Outer southeast Community Plan area by reinforcing existing character-giving elements and encouraging the emergence of new ones as envisioned in the Vision Plan.

Objective 1. Establish a high profile “regional center” in the area from Gateway to the Portland Adventist Medical Center with an infrastructure that is supportive of high-intensity development for living, working, and recreating.

Comment: The proposed EX designation will allow a greater mix of uses and a more vibrant development scenario adjacent to the SE Main Street light rail station than would likely be achieved under the existing RX designation. Due to the proximity to the Adventist Medical Center and Mall 205, the development around this station has the potential to be a physical as well as an economic cornerstone, designating an entry to the Gateway Regional Center.

Subarea Policy IV: Gateway Regional Center: Foster the development of this area as a “Regional Center.” Attract intense commercial and high-density residential development capable of serving several hundred thousand people. Promote an attractive urban environment by creating better pedestrian connections and providing more public open space.

Comment: As noted above, the proposed EX designation is likely to be more supportive of this policy than the existing RX designation, because the allowed mixed-use development will be able to more actively foster and promote the development of the area as a “Regional Center.” The built environment, which will be able to include a greater mix of office and retail, along with high density residential, will also encourage more interaction of pedestrians and the general public in this area than the existing restricted access and semi-private character of the site, or the restricted access that would accompany a predominantly residential redevelopment plan.

Outer Southeast Business Plan

Policy 1. Promotion and Revitalization of Businesses and Institutions: Encourage expansion and revitalization of existing businesses and institutions in order to create an environment attractive to new development.

Comment: The proposed EX designation will encourage the development of this underutilized site which was historically a part of the Adventist Academy campus. The high school directors have determined that this land is no longer needed for the future of the school and that with redevelopment it can serve a better purpose for both the school and the community. With the requested designation, it can better serve as an opportunity site for the growth of the business area, as well as the high density residential development that can support the adjacent light rail.

Policy 3. Traffic and Transportation: Provide a safe, efficient and attractive, full-service transportation system to serve outer Southeast business areas.

Objective 5. Design new development to encourage and better accommodate users of mass transit.

Comment: As noted above, the proposed EX designation will allow a mix of uses that will encourage and better accommodate users of mass transit in this area.

Hazelwood Neighborhood Plan:

Policy 1. Public Safety. Foster and maintain a safe environment for residents, businesses and visitors in the Hazelwood Neighborhood by reducing crime and the fear of crime.

Comment: The proposed EX designation will encourage activity in the area over a wider range of hours than either the current situation or the development that would be likely with the RX designation. Having more active areas, with more pedestrian activity over a longer period of time each day and more days per week, has been shown to be an active disincentive to crime.

Policy 2. Economic Development. Preserve and enhance the commercial viability of businesses within Hazelwood by stimulating business growth, investment and a high level of livability.

Objective 2. Establish viable commercial and business centers to serve the neighborhoods and draw visitors from outside Hazelwood.

a. Support commercial development in hub areas by advocating on their behalf before decision-makers.

Comment: The proposal is consistent with this policy because the EX designation will allow the expansion of the commercial activity that is currently located north of the light rail station, at the Mall 205 Shopping Center, to continue on the south side of a narrow strip of the Adventist Medical Center campus and bring the commercial activity up to the light rail line and freeway entrance. This will make the area more attractive to visitors from outside Hazelwood by encouraging the viability and the health of this business area, as the southern hub of the Gateway Regional Center.

Policy 5. Housing. Maintain and reinforce Hazelwood housing as affordable for families and individuals, which provides for a stable population of responsible homeowners and renters.

Comment: The RX designation provides for high density residential development. A condition of approval will reserve an equivalent amount of buildable space, under the EX designation, only for residential development. This condition would ensure that this policy will be equally supported if this proposal is approved.

Objective 5. Concentrate new housing development near major transit facilities, particularly existing light rail transit stations.

Comment: The RX designation that is currently on the site requires a minimum residential density of 536 housing units. A condition of approval of the requested EX designation would require that this density be reserved to the site by designating the equivalent number of allowed p.m. peak hour vehicle trips to be dedicated only to residential development. With this requirement, to preserve 268 of the 998 maximum allowed p.m. peak hour trips, eventual development of high density housing is just as likely to be assured with the EX designation as with the existing RX designation and, therefore, the proposal is equally supportive of this objective.

Policy 6. Community Design and Livability. Maintain Hazelwood as an affordable, attractive neighborhood, which provides a friendly, safe, and pleasing community for everyone.

Comment: The proposed EX designation can support this policy equally as well as the existing RX designation. With the condition that the minimum density requirement remain the same, the housing density will be assured and supporting businesses that can serve the surrounding community can also be attracted to the site. Offices and other job-producing uses will also be allowed, which will further promote the neighborhood as an affordable and attractive area in which to live.

On balance, the proposed EX designation is equally supportive of the relevant policies and objectives of both the Outer Southeast Community Plan and the Hazelwood Neighborhood Plan as the existing RX designation.

GOAL 4: Housing

Enhance Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs, and locations that accommodate the needs, preferences, and financial capabilities of current and future households.

Findings: BDS Staff found, and the Hearings Officer concurs, that the proposal is consistent with the applicable policies of this goal, as described in the following commentaries. The applicable policies include: *Policy 4.1 Housing Availability, Policy 4.2 Maintain Housing Potential, Policy 4.3 Sustainable Housing, Policy 4.7 Balanced Communities, Policy 4.10 Housing Diversity, and Policy 4.14 Neighborhood Stability.* The other policies of this goal were found to not be relevant to the redevelopment of this site. Because of the proposal's consistency with the relevant policies, it is, on balance, supportive of Comprehensive Plan Goal 4 Housing.

Policy 4.1 Housing Availability

Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future.

Comment: The proposal will be consistent with this policy because a condition of approval will require that capacity be reserved on the site to accommodate the minimum residential density (536 units) that is currently required under the RX designation.

Policy 4.2 Maintain Housing Potential

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

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

Comment: As noted above, the housing potential for the site will be preserved by reserving a portion of the site's building allowance to be used only for residential development. This will be accomplished by dedicating 268 of the maximum p.m. peak hour vehicle trips for the site to household use. The remaining 730 trips may be dedicated to other uses, using the floor area equivalency table that is a part of this proposal. If trips are desired to allow development above this limit for nonresidential uses, the trips must be "purchased" by the creation of housing units at another site that allows residential uses, but does not require housing to be built. When units are built on the Applicant's site or when they are provided at another site, in order to regain nonresidential building potential, then, a covenant must be included that guarantees that the development will remain in housing for the credited number of units for at least 25 years. In order to preserve the housing potential, this condition will remain in effect, even if the situation changes in this area and the need to limit motor vehicle trips is later found not to be needed.

Policy 4.3 Sustainable Housing

Encourage housing that supports sustainable development patterns by promoting efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.

Objective B. Establish development patterns that combine residential and other compatible uses in mixed-use areas such as the Central City, Gateway Regional Center, Station Communities, Town Centers, Main Streets, and Corridors.

Comment: The site is located in the southwest corner of the Gateway Regional Center and is immediately adjacent to the SE Main Street light rail station. The housing potential that will be preserved for the property will allow future residents to enjoy the easy access to this public transportation. There is also a burgeoning system of walkways and bicycle paths in the area, connecting to the commercial center at Mall 205. This site can also provide a commercial link to the shopping center, with the EX designation allowing an extension of business opportunities that can provide jobs and conveniences serve the residents of the area. The proposed designation will support this policy through the residential density and the mixed-uses that it will encourage.

Policy 4.7 Balanced Communities

Strive for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures (rental and ownership) and income levels of the region.

Policy 4.10 Housing Diversity

Promote creation of a range of housing types, prices, and rents to 1) create culturally and economically diverse neighborhoods; and 2) allow those whose housing needs change to find housing that meets their needs within their existing community.

Comment: The multi-dwelling development that is most likely to occur to meet the residential density requirements for this property will support both of these policies by providing a range of housing types in a mixed-use area. Housing types could vary from traditional apartments to town homes and other forms that are in-between these types in their level of density. Some structures might contain retail or offices, with apartments or condos on the upper floors. Some structures could contain live-work units. The additional flexibility that creates opportunities for mixing incomes levels and housing types is one of the key features of the EX designation.

Policy 4.14 Neighborhood Stability

Stabilize neighborhoods by promoting: 1) a variety of homeownership and rental housing options; 2) security of housing tenure; and 3) opportunities for community interaction.

Comment: The proposed EX designation will allow a variety of home ownership and rental housing options, as described above. The introduction of mixed-uses in this area that transitions from the single-dwelling residential development to the south and the Mall 205 Shopping Center to the north and Adventist Medical Center to the east will give an opportunity to make a more cohesive and identifiable area, rather than the more physically segmented character that currently exists. A change such as this will also allow more opportunities for community interaction. Currently, the site is segregated from the surrounding community by a 6-foot-tall chain-link fence which is kept locked during non-school hours. Separating the northern parcel and redeveloping it with uses that include more active hours and more public access to and through the property will support this policy to a greater extent than redevelopment under the RX designation, which would likely still include very limited public access.

GOAL 5: Economic Development

Foster a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city.

Findings: BDS Staff found, and the Hearings Officer agrees, that the proposal is consistent with the applicable policies of this goal, as described in the following commentaries. The applicable policies include: *Policy 5.1 Urban Development and Revitalization, Policy 5.4 Transportation System, Policy 5.6 Area Character and Identity within Designated Commercial Areas, and Policy 5.7 Business Environment within Designated Commercial Areas.* Because of the proposal's consistency with these policies, the proposal is supportive of Comprehensive Plan Goal 5 Economic Development.

Policy 5.1 Urban Development and Revitalization

Encourage investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities.

Comment: The proposal supports this Policy because it will allow a fairly large piece of land (6.15 acres) to be developed with a mix of residential and commercial uses that will create an active and engaging transition area between the nearby Mall 205 Shopping Center, the Adventist Medical Center and the Adventist Academy high school and the single-dwelling residential area to the south of SE Market Street.

Policy 5.4 Transportation System

Promote a multi-modal regional transportation system that encourages economic development.

Objective D. Support transit-supportive development and redevelopment along designated transit streets and in the vicinity of transit stations.

Objective E. Promote safe and pleasant bicycle and pedestrian access to and circulation within commercial areas. Provide convenient, secure bicycle parking for employees and shoppers.

Objective F. Encourage a wide range of goods and services in each commercial area in order to promote air quality and energy conservation.

Comment: In addition to immediate access to the I-205 freeway, the site has frontage on two transit streets, SE 96th Avenue and SE Main Street. It is adjacent to the SE Main Street light rail station and is located within the Gateway Pedestrian District. Southeast 96th Avenue is also designated as a City Bikeway. The site has the potential to accommodate development under the EX designation that will invite more public interaction, more efficient use of the multi-modal transportation system and more development opportunities that include bike and pedestrian access. Goods and services that might be provided on the site will serve the immediate community and the Gateway region and will thereby promote shopping and/or working close to home which will preserve air quality and energy conservation. The EX designation supports this policy and these objectives equally as well as, and possibly better than, the existing RX designation.

Policy 5.6 Area Character and Identity within Designated Commercial Areas

Promote and enhance the special character and identity of Portland's designated commercial areas.

Comment: The proposal is consistent with this policy because approval of the request to change the designation for this site, from RX to EX, will create a better opportunity to strengthen the vitality of the commercial area by physically extending it to the light rail station at SE 96th Avenue and SE Main Street.

5.7 Business Environment within Designated Commercial Areas

Promote a business environment within designated commercial areas that is conducive to the formation, retention and expansion of commercial businesses.

Objective A. Promote business, economic growth, formation of capital and the creation and retention of jobs in designated commercial areas.

Objective B. Encourage new commercial businesses to locate in established commercial areas. Where suitable sites in those areas are not available, encourage those businesses to locate in other designated commercial areas.

Objective C. Sustain the role of designated commercial areas in providing shopping and employment opportunities for city residents.

Objective D. Promote the concentration of commercial activities in areas so designated by community and neighborhood plans.

Objective E. Concentrate the expansion of commercial and mixed use activities near the intersections of Major City Traffic or Transit Streets as designated by the Transportation Element, and near Major Transit streets.

Objective F. Encourage the retention and development of higher density housing and mixed use development within commercial areas.

Comment: This site is located within the Gateway Regional Center and is immediately adjacent to the SE Main Street light rail station and only one block (approximately 220 feet) from the Mall 205 Shopping Center. For security purposes, the high school property has been fenced and gated from the surrounding community. With approval of the requested EX designation, development can occur on the northern parcel that will meet this policy and its objectives by expanding the commercial area and allowing wider public participation with the uses that will be located on the site. The EX designation will allow more options for this to occur than the existing RX designation and so it is more supportive of this policy and its objectives.

GOAL 6 Transportation

Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

Findings: Comprehensive Plan Map Amendments must be reviewed against relevant transportation policies in the Comprehensive Plan. This application requests a change in comprehensive plan designation for the site from RX to EX. For the purposes of evaluating a reasonable worst-case scenario to analyze transportation impacts, a transportation analysis was prepared and submitted to the City identifying the size of development that can be constructed without providing additional off-site transportation infrastructure improvements. The analysis determined the reasonable worst-case development scenario and resulting trip generation under the current IR zone and Gateway Plan District restrictions. The resulting trip generation defines the EX zone trip cap, which will assure that the zone change proposal will not increase traffic impacts.

PBOT reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17 and for potential impacts upon transportation services and finds the proposal to change the designation from residential commercial is, on balance, equally or more supportive of the relevant policies of Goal 6, as follows:

Policy 6.1 Coordination

Coordinate with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services.

Policy 6.2 Public Involvement

Carry out a public involvement process that provides information about transportation issues, projects, and processes to citizens, businesses and other stakeholders, especially to those traditionally underserved by transportation services, and that solicits and considers feedback when making decisions out transportation.

Comment: Policies 6.1 and 6.2 are met by the land use review notice requirements which include sending a notice of the proposed amendment to state and local agencies, and to property owners within a radius of 400 feet of the Amendment Site.

Policies 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, and 6.11 Classification Descriptions

Policy 6.4 states that the Street classification descriptions and designations describe the types of motor vehicle, transit, bicycle, pedestrian, truck and emergency vehicle movement that should be emphasized on each street. Policies 6.5 through 6.11 detail the intended character and use of streets for each transportation mode.

Comment: The following is a summary of street classification descriptions for the three streets abutting the subject property:

SE Main Street

Traffic Classification:	Local Service Traffic Street
Transit Classification:	Community Transit Street
Bicycle Classification:	Local Service Bikeway
Pedestrian Classification:	Local Service Walkway (within a Pedestrian District)
Emergency Response:	Minor Emergency Response
Street Design:	N/A (none defined)

SE 96th Avenue

Traffic Classification:	Neighborhood Collector
Transit Classification:	Community Transit Street
Bicycle Classification:	City Bikeway
Pedestrian Classification:	Local Service Walkway (within a Pedestrian District)
Emergency Response:	Major Emergency Response

Street Design: N/A (none defined)

SE 100th Avenue

Traffic Classification: Local Service Traffic Street
Transit Classification: Local Service Transit Street
Bicycle Classification: Local Service Bikeway
Pedestrian Classification: Local Service Walkway (within a Pedestrian District)
Emergency Response: Minor Emergency Response
Street Design: N/A (none defined)

The proposed Comprehensive Plan Amendment to EX will allow development that is consistent with the street classifications surrounding the site, thereby meeting these policies.

Policy 6.12 Regional and City Travel Patterns

Support the use of the street system consistent with its state, regional, and city classifications and its classification descriptions.

Comment: The site is bound on three sides by streets, as described above: two local service traffic streets (SE Main Street and SE 100th Avenue) and one neighborhood collector (SE 96th Avenue). The proposal is consistent with the street classifications and descriptions, and each operates within the normal parameter of their designation, and their functions will be maintained within acceptable levels with the proposed change to EX. This policy is met.

Policy 6.13 Traffic Calming

Manage traffic on Neighborhood Collectors and Local Service Traffic Streets, along main streets, and in centers consistent with their street classifications, classification descriptions, and desired land uses.

Comment: The proposed Plan Map and Zone Map Amendment will not warrant traffic calming measures. The Traffic Impact Study (TIS) concludes that the proposed Comprehensive Plan Map and Zone Map Amendment will result in traffic volumes consistent with the associated road classifications and available capacity. This policy is met.

6.14 Emergency Response

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

Comment: SE 96th Avenue is a major emergency response route. This policy is met.

Policy 6.16 Access Management

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

Objective A: Work with ODOT to manage the location, spacing, and type of road and street intersections on Regional Trafficways, St. Helens Road, Lombard east of Interstate 5, and

McLoughlin, and develop access management plans for other City streets as needed to ensure the safe and efficient operation of these facilities.

Objective B: Provide local access to arterials, while minimizing conflicts with through-traffic.

Objective C: Ensure that access management measures do not adversely impact any transportation mode, consistent with the classifications of the street where these measures are applied.

Comment: Since no development is proposed in relation to the requested Comprehensive Plan Map and Zoning Map Amendments, there is no need for an in-depth access analysis. However, compliance with the City's transportation policies and standards must be demonstrated with any future development application. At that time, the proposed development will work with the Oregon Department of Transportation (ODOT) to develop an access management plan if necessary. Given the width of the subject site, the driveway requirements in 17.28 of the City code can be met. This policy is met.

Policy 6.17 Coordinate Land Use and Transportation

Implement the Comprehensive Plan Map and the 2040 Growth Concept through long-range transportation and land use planning and the development of efficient and effective transportation projects and programs.

Comment: This policy is met through the requirements of the quasi-judicial process for notification of the land use proposal and the requirement for analysis of the proposal with respect to the relevant policies and objectives of the Comprehensive Plan.

Policy 6.18 Adequacy of Transportation Facilities

Ensure that amendments to the Comprehensive Plan (including goal exceptions and map Amendments), zone changes, conditional uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the identified function and capacity of and adopted performance measures for, affected transportation facilities.

Explanation: This policy reflects a requirement in the Transportation Planning Rule ("TPR") to ensure that certain land use changes will not have an unacceptable impact on transportation facilities. Title 33, Planning and Zoning, contains approval criteria language that implements this policy.

Comment: The approval criteria for land use reviews, such as comprehensive plan map amendments, zone map amendments, and conditional uses, require that there be adequate transportation capacity to serve the additional demand that will result from the proposed change. The City code and the TPR require transportation facilities that are "significantly affected" by a development proposal to be mitigated to meet the minimum acceptable performance standard or not worsen the performance of an existing transportation facility that is projected to perform below the minimum acceptable performance standard. Acceptable level-of-service (LOS) for signalized intersections under the City's authority is LOS "D" or better. Acceptable LOS for stop-controlled

intersections under the City's authority is LOS "E" or better. The administrative rule that establishes the standards for traffic capacity at intersections is TRN 10.27 – Traffic Capacity Analysis for Land Use Review Cases.

On May 17, 2010, PBOT approved an amendment to adopt Administrative Rule TRN 10.27. The amendment was completed in order to clarify what standards apply in situations where the existing transportation system is already performing below standards and to bring the rule into conformance with OAR 660-012-0060(3). As a result of the amended rule, land use applications that require analysis of traffic capacity may be approved, if development resulting from the amendment will mitigate the impacts of the development in a manner that avoids further degradation of the performance of the transportation facility by limiting the level of future development to result in no net increase in vehicle trips over what is allowed by the current zoning.

A transportation analysis was completed to determine the reasonable "worst-case" development scenario under the existing IR zone and the resulting trips generated. The analysis concluded that the maximum number of trips that can be generated by development in the existing IR zone would be 998 p.m. peak hour vehicle trips. As a result of these calculations, the Applicant proposed, and PBOT and BDS Staff agreed, to a trip cap of 998 p.m. peak hour trips for the proposed EX zone, thus ensuring the map amendment will not increase traffic impacts.

Based on the record and the proposal to limit the number trips for the EX zone to the maximum trip generation of the existing IR zone, BDS Staff found, and the Hearings Officer agrees, that the existing transportation facilities can be considered. If a future development application proposes to exceed the established trip cap, additional analysis and possible transportation facility improvements would be necessary to support that proposal. This policy is met.

Policy 6.19 Transit Oriented Development

Reinforce the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers.

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

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

Comment: The site is well situated for transit-oriented development. The Gateway Plan District and Design Review Guidelines (any change in designation will be accompanied with a ('d' overlay) will require transit-oriented design. Therefore, compliance with City standards will ensure compliance with this policy.

Policy 6.20 Connectivity

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

Objective A: Provide interconnected local and collector streets to serve new and redeveloping areas and to ensure safe, efficient, and convenient pedestrian, bicycle, and vehicle access with preference for public streets over private streets.

Objective B: Create short blocks through development of frequent street connections in mixed-use areas of planned high-density development.

Objective C: Provide convenient and safe bicycle and pedestrian connections to transit routes, schools, and parks, as well as within and between new and existing residential developments, employment areas, and other activity centers where street connections are not feasible.

Comment: The site is located within a Pedestrian District requiring a 15-foot and 12-foot pedestrian corridor for SE 96th Avenue and SE Main Street, respectively. As such, redevelopment in compliance with the plan district standards and construction of the required frontage improvements will foster connection to the light rail station, existing bus stops, and adjacent development. Bike lanes currently exist on SE 96th Avenue. Because these requirements would apply for either the existing RX designation or the proposed EX designation, this policy is equally supported by either designation.

Policy 6.21 Right-of-Way Opportunities

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

Comment: No street vacations are proposed in conjunction with this application. According to the Gateway Master Street Plan, no portions of the subject property are proposed for future public streets. This policy is equally supported by either designation.

Policy 6.22 Pedestrian Transportation

Plan and complete a pedestrian network that increases the opportunities for walking to shopping and services, schools and parks, employment and transit.

Objective A: Promote walking as the mode of choice for short trips by giving priority to the completion of the pedestrian network that serves Pedestrian Districts, schools, neighborhood shopping, and parks.

Objective B: Support walking to transit by giving priority to the completion of the pedestrian network that serves transit centers, stations, and stops; providing adequate crossing opportunities at transit stops; and planning and designing pedestrian improvements that allow adequate space for transit stop facilities.

Objective C: Improve the quality of the pedestrian environment by implementing pedestrian design guidelines to ensure that all construction in the right-of-way meets a pedestrian quality standard and by developing special design districts for Pedestrian Districts and main streets.

Comment: PBOT and BDS Staff found that a dedication of land along SE 96th Avenue, SE Main Street, and SE 100th Avenue will be required for sidewalk improvements. SE 96th requires a 15-foot corridor, requiring dedication of an additional 7-feet on SE 96th Avenue. SE Main and SE 100th Avenue require a 12-foot wide corridor, thus requiring 6-feet and 4-feet of dedication, respectively. The Applicant did not object to these proposed dedications. These improvements will be required upon building permit approval for development under either the existing or the proposed designation, so this policy is equally supported by either designation.

Policy 6.23 Bicycle Transportation

Make the bicycle an integral part of daily life in Portland, particularly for trips of less than five miles, by implementing a bikeway network, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use, and making bicycling safer.

Comment: Bicycle parking and other end-of-trip facilities will be required upon building permit approval for development under either the existing or the proposed designation, so this policy is equally supported by either designation.

Policy 6.25 Parking Management On-Street Parking Management

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

Policy 6.26 On-Street Parking Management

Manage the supply, operations, and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential neighborhoods.

Policy 6.27 Off Street Parking

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

Comment: The RX zone, the EX zone and the Gateway Plan District do not require off-street parking. The City code includes a maximum off-street parking ratio. Any future development application will be required to conform to this maximum allowance. On-street parking exists on SE Main Street and SE 100th Avenue. Any parking that is proposed will be reviewed upon building permit approval for development under either the existing or the proposed designation, so these policies are equally supported by either designation.

Policy 6.28 Travel Management

Reduce congestion, improve air quality, and mitigate the impact of development-generated traffic by supporting transportation choices through demand management programs and measure and through education and public information strategies.

Comment: The traffic impact study indicates there will be additional trips generated by a “worst-case” development scenario under the proposed EX zone. However, due to the site’s proximity to light rail and recent pedestrian improvements along SE 96th, a higher transit mode split is anticipated, therefore, reducing the overall traffic impact and not requiring additional travel management strategies. This policy is equally supported by either designation.

Policy 6.38 Far Southeast Transportation District 9 10 11

Address transportation issues in the Far Southeast District by encouraging the use of transit and demand management measures, improving pedestrian/bicycle access, creating a more connected street system, and improving the functioning of arterials.

Objective I: Implement the Gateway Concept and Redevelopment Strategy recommendations to provide street connections as redevelopment occurs, manage regional traffic impacts, and focus boulevard and main street improvements on 102nd.

Objective J: Improve pedestrian access at the light rail transit stations by adding local street connections and improvements, including enhanced crossings and wider sidewalks.

Comment: The mixed use development that could be allowed with the proposed Comprehensive Plan Amendment is supportive of this policy. Due to the proximity of multiple bus lines and the new Main Street light rail station, residents, business owners, employees and customers will easily be able to make use of mass transit for their commutes. Based on information obtained at the pre-application conference, dedication on all three frontages will be required for the associated pedestrian and bike improvements required for the pedestrian district, improving multi-modal connectivity. The Gateway Master Street Plan does not include streets proposed through the site, so no additional connectivity is needed. This policy is supported equally by the proposed EX designation and, due to the commercial opportunities that it presents, possibly better than the existing RX designation.

GOAL 7: Energy

Promote a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000.

Findings: Goal 7 policies and objectives are directed toward local jurisdictions in implementing energy related strategies, and not individual applicants. However, BDS Staff observed that the proposal is consistent with this goal because the development that could be allowed under the proposed designations would be supportive of energy efficiency. The Hearings Officer finds that on balance the proposal is supportive of Goal 7.

GOAL 8: Environment

Maintain and improve the quality of Portland’s air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.

Findings: BDS Staff found, and the Hearings Officer agrees, that the proposal will not adversely impact the City's air, water or land resources. Eventual development plans will be subject to the off-site impacts regulations of Chapter 33.262 and must comply with the City's Title 18 noise regulations that protect neighborhoods from detrimental noise levels. The proposal is consistent with *Policy 8.4 Ride Sharing, Bicycling Walking and Transit*, as explained in the commentary below. Because of the proposal's consistency with these policies, the proposal is supportive of Comprehensive Plan Goal 8 Environment.

Policy 8.4 Ride Sharing, Bicycling Walking and Transit

Promote the use of alternative modes of transportation such as ridesharing, bicycling, walking, and transit throughout the metropolitan area.

Comment: Development at the density allowed under either the RX or the EX designation would create the type of compact community that encourages use of alternative modes of transportation. The development standards for each of these designations, plus the standards of the Gateway Plan District, will help to ensure that the built environment contains the infrastructure that will facilitate the use of these alternative modes. Therefore, either of these designations will be equally supportive of this policy.

GOAL 9: Citizen Involvement

Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.

Findings: BDS Staff found, and the Hearings Officer concurs, that the proposal is consistent with the applicable policies of this goal, as described in the following commentaries. The applicable policies include: *Policy 9.1 Citizen Involvement Coordination* and *Policy 9.3 Comprehensive Plan Map Amendment*. Because of the proposal's consistency with these policies, the proposal is supportive of Comprehensive Plan Goal 9 Citizen Involvement.

Policy 9.1 Citizen Involvement Coordination

Encourage citizen involvement in land use planning projects by actively coordinating the planning process with relevant community organizations.

Policy 9.3 Comprehensive Plan Amendment

Allow for the review and amendment of the adopted Comprehensive Plan which insures citizen involvement opportunities for the city's residents, businesses and organizations.

Comment: The record shows that the Applicant and representatives discussed the proposal at a March 15, 2010 meeting at the East Portland Neighborhood Office with representatives of the Hazelwood Neighborhood Association. As previously discussed under *Policy 3.5 Neighborhood Involvement*, notice of this request was also sent by the City to the relevant community organizations. The City provided notice of the proposed Comprehensive Plan Map Amendment and Zone Change to surrounding property owners within 400 feet of the site, and to the Hazelwood

Neighborhood Association, the Gateway Area Business Association and the East Portland Neighborhood Office, in order to inform them of their opportunity to comment on the application both in writing and at the public hearings on this application. In addition, the site has been posted per the requirements of the Portland Zoning Code for Type III Land Use Reviews. The process for this request has, therefore, been supportive of these policies.

GOAL 10: Plan Review and Administration

Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The Plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.

Findings: The Hearings Officer finds that this proposal is consistent with the applicable policies of this goal, as described in the following commentaries. The applicable policies include: *Policy 10.7 Amendments to the Comprehensive Plan Map* and *Policy 10.8 Zone Changes*. Because of the proposal's consistency with these policies, the proposal is supportive of Comprehensive Plan Goal 10 Plan Review and Administration.

Policy 10.7 Amendments to the Comprehensive Plan Map

The Planning Commission must review and make recommendations to the City Council on all legislative amendments to the Comprehensive Plan Map. Quasi-judicial amendments to the Comprehensive Plan Map will be reviewed by the Hearings Officer prior to City Council action, using procedures stated in the zoning code. For quasi-judicial amendments, the burden of proof for the amendment is on the applicant. The applicant must show that the requested change is:

(1) Consistent and supportive of the appropriate Comprehensive Plan Goals and Policies,

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

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

Comment: The requested Plan designation and zoning for this site are compatible with the general land use pattern established by the Comprehensive Plan for the Gateway Regional Center. The requested Central Employment designation will be consistent with the EX zoning that is found to the north of Stark Street. South of Stark Street, to SE Market Street and the Gateway southern boundary, which is also the southern property line of Adventist Academy, the zoning designations are either IR (Institutional Residential) or the other central zoning designations, CX (Central Commercial) or RX (Central Residential). The requested EX designation will follow the built-up densely developed pattern that was laid out for this area in the Comprehensive Plan Map.

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

Comment: The State of Oregon Land Conservation and Development Commission (LCDC) has acknowledged the Comprehensive Plan for the City of Portland. The city goals mentioned in “LCDC and Comprehensive Plan Considerations” are comparable to the statewide planning goals in that City Goal 1 is the equivalent of State Goal 2 (Land Use Planning); City Goal 2 addresses the issues of State Goal 14 (Urbanization); and City Goal 3 deals with the local issues of neighborhoods. The following city and state goals are similar: City Goal 4, State Goal 10 (Housing); City Goal 5, State Goal 9 (Economic Development); City Goal 6, State Goal 12 (Transportation); City Goal 7, State Goal 13 (Energy Conservation); City Goal 8, State Goals 5, 6 and 7 (Environmental Impacts); and City Goal 9, State Goal 1 (Citizen Involvement). City Goal 10 addresses city plan amendments and rezoning; and City Goal 11 is similar to State Goal 11 (Public Facilities and Services). Other statewide goals relate to agricultural, forestry and coastal areas, etc., and therefore do not specifically apply to this site.

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

Comment: As discussed above, the proposal is consistent with the adopted Outer Southeast Community Plan and the Hazelwood Neighborhood Plan.

Policy 10.8 Zone Changes

Base zone changes within a Comprehensive Plan Map designation must be to the corresponding zone stated in the designation. When a designation has more than one corresponding zone, the most appropriate zone will be applied based on the purpose of the zone and the zoning and general land uses of surrounding lands. Zone changes must be granted when it is found that public services are presently capable of supporting the uses allowed by the zone, or can be made capable prior to issuing a certificate of occupancy. The adequacy of services is based on the proposed use and development. If a specific use and development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater disposal, transportation capabilities, and police and fire protection.

Comment: The Comprehensive Plan Central Employment designation has one corresponding zone, the EX zone, which implements the designation. The proposed Comprehensive Plan Map Amendment from Institutional Residential to Central Employment is combined with a Zoning Map Amendment request to place the corresponding zone of EX on the site in the configuration shown on the attached Proposed Zoning Map, Exhibit B.2. These policies and objectives are implemented through this land use review, and are specifically addressed in findings for conformance with the approval criteria for the proposed Zone Map Amendment, 33.855.050.A-C. To the extent that applicable approval criteria of 33.855.050.A-C contained in this recommendation are met, these policies and objectives are also met.

GOAL 11 A: Public Facilities

Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

Findings: The Hearings Officer finds that this proposal is consistent with Goal 11 and *Policy 11.2 Orderly Land Development* as explained in the comment below. Agency responses to this proposal indicate that either adequate public facilities or services exist, or that they can be reasonably made available as discussed under approval criterion 33.855.050.B, below and in Exhibits E.1 through E.6. Because the proposal is consistent with these policies, the proposal is supportive of Comprehensive Plan Goal 11 A: Public Facilities.

Policy 11.2, Orderly Land Development

Urban development should occur only where urban public facilities and services exist or can be reasonably made available.

Comment: The adequacy of public facilities is discussed in detail below under the criterion 33.855.050 B. To the extent that those criteria are met, the proposal is consistent with this policy.

GOAL 12: Urban Design

Enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.

Findings: BDS Staff found, and the Hearings Officer agrees, that the proposal is consistent with the applicable policies of this goal, as described in the following commentaries. The applicable policies include: *Policy 12.1 Portland's Character*, *Policy 12.2 Enhancing Variety*, *Policy 12.4 Provide for Pedestrians* and *Policy 12.7 Design Quality*. Because of the proposal's consistency with these policies, the proposal is supportive of Comprehensive Plan Goal 12 Urban Design, which is intended to enhance Portland's identity as a livable city with attractive amenities creating a dynamic urban environment through quality projects.

Policy 12.1 Portland's Character

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

Comment: The record shows that the proposal is consistent with the vision of the Gateway Regional Center. The site is currently under utilized, though adjacent to light rail, other public transit and a regional shopping center, a medical center and school. Re-designating the property to a flexible zoning designation is anticipated to attract investment, as opposed to the current situation, where there is a vacant lot in this key location.

Policy 12.2 Enhancing Variety

Promote the development of areas of special identity and urban character. Portland is a city built from the aggregation of formerly independent settlements. The City's residential, commercial, and industrial areas should have attractive identities that enhance the urbanity of the City.

Objective C: Foster the development of an attractive urban character along Portland's commercial streets and in its commercial districts. Accommodating pedestrians as shoppers and visitors in commercial areas is a major priority of development projects. Commercial areas should allow the development of a mixture of uses, including residential uses. Add new building types to establish areas with care and respect for the context that past generations of builders have provided.

Policy 12.4 Provide for Pedestrians

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

Policy 12.7 Design Quality

Enhance Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. Encourage the design of the built environment to meet standards of excellence while fostering the creativity of architects and designers. Establish design review in areas that are important to Portland's identity, setting and history, and to the enhancement of its character.

Comment: Both the existing Central Residential designation and the proposed Central Employment designation include the Design Overlay zone, designated "d" with zoning designation. This requirement ensures that the most densely built up areas of the City will always be subject to design regulation. The EX designation will allow the expansion of the commercial area that is immediately to the north, and the "d" Overlay zone will promote quality design for the mix of uses that can occur on the site. The proposed designation therefore supports these policies at least as well as the existing designation and, in respect to Objective C of Policy 12.2, is more supportive than the existing designation.

33.810.050 Comprehensive Plan Map Approval Criteria

A.2. When the requested amendment is:

- From a residential Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation; or
- From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;

the requested change will not result in a net loss of potential housing units. The number of potential housing units lost may not be greater than the potential housing units gained. The method for

calculating potential housing units is specified in subparagraph A.2.a, below; potential housing units may be gained as specified in subparagraph A.2.b, below.

- a. Calculating potential housing units. To calculate potential housing units, the maximum density allowed by the zone is used. In zones where density is regulated by floor area ratios, a standard of 900 square feet per unit is used in the calculation and the maximum floor area ratio is used. Exceptions are:
 - (1) In the RX zone, 20 percent of allowed floor area is not included;
 - (2) In the R3, R2, and R1 zones, the amenity bonus provisions are not included; and
 - (3) In the CM zone, one half of the maximum FAR is used.
 - (4) Where a residentially zoned area is being used by an institution and the zone change is to the Institutional Residential zone, the area in use as part of the institution is not included.
 - (5) Where a residentially zoned area is controlled by an institution and the zone change is to the Institutional Residential zone the area excluded by this provision also includes those areas within the boundaries of an approved current conditional use permit or master plan.
- b. Gaining potential housing units. Potential housing units may be gained through any of the following means:
 - (1) Rezoning and redesignating land off site from a commercial, employment, or industrial designation to residential;
 - (2) Rezoning and redesignating lower-density residential land off site to higher-density residential land;
 - (3) Rezoning land on or off site to the CM zone;
 - (4) Building residential units on the site or in a commercial or employment zone off site. When this option is used to mitigate for lost housing potential in an RX, RH, or R1 zone, only the number of units required by the minimum density regulations of the zone are required to be built to mitigate for the lost housing potential; or
 - (5) Any other method that results in no net loss of potential housing units, including units from the housing pool as stated in 33.810.060 below.

- (6) In commercial and employment zones, residential units that are required, such as by a housing requirement of a plan district, are not credited as mitigating for the loss of potential units.
- (7) When housing units in commercial or employment zones are used to mitigate for lost housing potential, a covenant must be included that guarantees that the site will remain in housing for the credited number of units for at least 25 years.

Findings: The proposal includes a requested amendment from a residential to an employment designation, and therefore the provisions for no net loss in housing potential are applicable.

In this case, BDS Staff found that the Gateway Plan District regulations allow additional floor area above the maximum that is allowed by the base zone. For this site, there is an area of 185,168 square feet that has a maximum FAR of 8 to 1. The remaining 82,570 square feet of the site has the standard FAR for the RX zone, which is 4 to 1.

The maximum floor area for the site is:

$$185,168 (8) + 82,570 (4) = 1,481,344 + 330,280 = 1,811,624 \text{ square feet}$$

The amount of floor area that could be devoted to office or retail is:

$$1,811,624 (.20) = 362,324.8 \text{ square feet}$$

The remaining floor area that would be used to calculate the potential number of housing units is:

$$1,811,624 - 362,324.8 = 1,449,299.2 \text{ square feet}$$

The potential number of units is:

$$1,449,299.2 / 900 = 1610.3324 \text{ or } 1,610 \text{ units}$$

BDS Staff addressed the concept of "potential" number of units by looking at a related section of the Code, 33.810.050A.2.b, which requires that any approval ensure that the housing will eventually be built, either on the site or on some other property that either does not currently require residential development or requires a smaller number of dwelling units. 33.810.050A.2.b.4 states that when mitigating for lost housing potential by building residential units on the site or in a commercial or employment zone off-site, only the minimum density requirement must be met. The minimum density in the RX zone is determined by dividing the total site area by 500 square feet. In this case, the minimum number of dwelling units is:

$$267,738 \text{ square feet} / 500 = 535.476 \text{ or } 536 \text{ units}$$

BDS Staff recommend approval of the requested Comprehensive Plan Map Amendment by limiting the p.m. peak hour vehicle trips that could be allowed in order to preserve the minimum required number of residential units. Based on the trip cap chart above, BDS Staff found that there would be one (1) p.m. peak hour trip for every two (2) dwelling units, which would equate to $536/2$ or 268 trips. The remaining 730 trips could be allocated to development that is dedicated to nonresidential uses.

BDS Staff recommended, and the Hearings Officer agrees, that a condition be imposed that would allow that if additional nonresidential development were to be desired, additional trips could be "purchased" or "bought back," by providing additional non-required residential units off-site. If this approach were taken, covenants that ensure the development would remain as housing for at least 25 years would be required for either on-site or off-site residential development. With that condition, this criterion is met. See Condition E.

33.855.050 Approval Criteria for Base Zone Changes

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

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

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

Findings: The proposed Comprehensive Plan Map designation is Central Employment. This designation has only one corresponding zone, EX. Therefore, this criterion does not apply.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

Findings: The subject parcel is currently zoned IR, Multi-Dwelling Institutional Residential, but there is no Buffer overlay designation on the site or on any adjacent commercially-zoned parcels. This criterion is not applicable.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

Findings: The subject parcel is currently zoned IR, and the proposal is to change to the EX zone. Therefore this criterion is not applicable.

B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the Applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
 - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
 - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
 - c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

Findings: The site has an area of 267,738 square feet. Under the EX zone, in the Gateway Plan District, the site has two different FAR standards (8:1 on the north and 4:1 on the south) that would allow a combined maximum floor area of 1,811,624 square feet. There is no specific plan, at this time, for redevelopment of the site. The record shows that the City's service agencies considered the maximum allowed floor area and the various uses that would be allowed under the EX zone designation. For purposes of this review, the service demands for the subject site are based on these projections, and not on a specific development proposal. As indicated in the summaries of bureau responses, below, BES, PBOT, Fire, Police, Water and BDS Site Development Division, have responded with information about services at this location. These bureaus concluded that, with limitations on the allowed build-out for the site, adequate existing services are available for the anticipated level of use(s) that would be allowed to occur.

Based on the responses from the transportation and public services bureaus set forth below, the Hearings Officer concurs with BDS Staff that with the conditions that limit build-out to meet the capacity of the street system and of the sanitary sewer system in the area, this criterion can be met. See Conditions B and C.

SUMMARY OF AGENCY RESPONSES:

Bureau of Environmental Services (BES) (Exhibit E1)

The Bureau of Environmental Services (BES) states that the sanitary sewer needs for this site are met by sanitary gravity sewer lines located in SE Main Street and SE 100th Avenue. These lines converge at the frontages adjacent to the northeast corner of the site and feed to Cherry Park Pump Station, which is located approximately 3,400 feet to the east. The pipe system and the pump station do not have adequate capacity to handle the loads that could be generated by the full build-out of the site that could be allowed under the EX designation. However, the build-out can be controlled by slightly reducing the allowed floor area ratio for the site, to a level that can be accommodated by the existing infrastructure. BES recommends that approval be conditioned to allow future development of the site that would not exceed 2.5 cfs daily peak flow to the piped system or 3 cfs to the daily peak flow to the pump station. As an alternative, the Applicant or owner could improve the overall public sanitary system to increase the capacity of the pipe system and the pump station. An additional condition will also direct the connection of sewer lines to ensure that the localized system is not over-burdened.

Portland Transportation/Development Review (PDOT) (Exhibit E2)

Portland Transportation/ Development Review reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services:

Reasonable Worst Case Scenario Under Existing IR Zone in the Gateway Plan District

The site is located at the southeast corner of the SE 96th Avenue/SE Main Street intersection, just east of the SE Main Street MAX station (Green Line). To determine potential building areas, the North Parcel site area and associated maximum floor area ratios (FARs) have been calculated. The site area of 6.15 acres is based on the size of the site after an approved property line adjustment. As such, the trip cap identified in this report will change accordingly, but the calculation methodology will remain the same.

Density/Use Assumptions

In the IR zone, the permitted land use having the greatest transportation impact is multi-family residential. Consistent with Portland City Code Section 33.810.050 A.2.a, 900 square feet per housing unit is used to determine the total number of allowed housing units. For the reasonable worst-case scenario, building area is assumed to be 80% of the maximum FAR allowed in the Gateway Plan District. Structured parking is assumed to be part of the development (either below ground or within the remaining

buildable areas); however, because this area does not generate trips, it is not part of these calculations. Additionally, factors such as light rail access will further reduce parking demand and the need for structured parking.

Based on the above assumptions, the land use and development assumptions for the site are as follows:

TABLE 1 -LAND USE ASSUMPTIONS - IR ZONE					
Location	Site Area (SF)	Code Maximum		80% Building Area (SF)	Number of Housing Units (900 SF/Unit)
		FAR	Building Area (SF)		
0' - 228' from Main Street	185,168	8:1	1,481,344	1,185,075	1,316
229' - 449' from Main Street	82,570	4:1	330,280	264,224	294
Total	267,738		1,811,624	1,449,299	1,610

Based on data in the table above, the reasonable worst-case development scenario in the IR zone is 1,610 multi-family residential housing units. During an October 26, 2009 conference call with Portland Bureau of Transportation staff, residential multi-family dwelling unit trip generation assumptions were discussed. Staff agreed trip generation data from the ITE *Trip Generation Manual*, 8th Edition for apartments (Use Code 220) was appropriate to use in determining trip generation potential. The following table presents reasonable worst-case trip generation for the site under the existing IR zone:

TABLE 2 - TRIP GENERATION - IR ZONE					
Land Use	ITE Use Code	Units	Number of Units	ADT	PM Peak Hour Trip Generation
Residential	210	Dwellings	1,610	9,756	998

Based on the data in the table above, the reasonable IR zone worst-case trip generation is 998 PM peak hour trips. In other words, this is the maximum number of trips anticipated to be generated by allowed land uses in the existing IR zone.

It is further proposed this existing IR zone trip generation be used to define the trip cap applied to the proposed EX zone, thus

assuring the zone change proposal will not increase traffic impacts.

Summary

For the site, the reasonable worst-case development scenario is 80% of the maximum allowed. In the existing IR zone this results in 1,610 multi-family housing units generating 998 PM peak hour trips.

This is the maximum number of trips that can be generated by development in the proposed EX zone before additional transportation analysis and possible infrastructure improvements are necessary. For comparison purposes, 998 PM peak hour trips are generally equivalent to 669,756 SF of general office which exceeds the minimum EX zone FAR requirement.

TRANSPORTATION PLANNING RULE OAR 660-012-0060(1)-(4) are addressed below.

1. *Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.*
2. *Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following...*
3. *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*
4. *Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

The TPR requires an Applicant applying for a Comprehensive Plan Map Amendment to demonstrate that the proposed change will not significantly affect a transportation facility. As previously demonstrated above in this application, this proposal does not anticipate significantly affecting a transportation facility.

As stated above, the site is bound on three sides by streets: two local service traffic streets (SE Main Street and SE 100th Avenue) and one neighborhood collector (SE 96th Avenue). The proposal is consistent with the street classifications and descriptions, and each operates within the normal parameter of their designation, and their functions will be maintained within acceptable levels with the proposed change to EX and will not warrant traffic

calming measures (such as speed bumps, curb extensions, etc.), as concluded by the Traffic Impact Study (TIS) resulting in traffic volumes consistent with the associated road classifications and available capacity.

In addition, the Applicant's proposal to limit the number trips for the EX zone to the maximum trip generation of the existing IR zone only ensures the map amendment will not increase traffic impacts, and that existing transportation facilities are considered to be adequate. Therefore, because no significant affects are anticipated to an existing or planned transportation facility by this proposal, these rules are met.

With a condition of approval limiting the EX zone land uses to 998 equivalent PM peak hour trips, PBOT finds that the transportation system will be capable of serving the future development of the site in addition to the existing uses in the area.

Street Improvements (Chapter 17.88)

The following dedications and sidewalk improvements on all four frontages will be conditions of building permit approval:

- SE 96th - Dedicate 7-ft and reconstruct existing substandard sidewalk to a 15-ft corridor consisting of the existing 6-inch curb, 4-ft wide furnishing zone, 8-ft wide pedestrian through zone, and a 2.5-ft frontage zone.
- SE Market - Dedicate 5-ft and reconstruct existing substandard sidewalk to a 15-ft corridor consisting of the existing 6-inch curb, 4-ft wide furnishing zone, 8-ft wide pedestrian through zone, and a 2.5-ft frontage zone.
- SE Main - Dedicate 6-ft and reconstruct existing substandard sidewalk to a 12-ft corridor consisting of the existing 6-inch curb, 4-ft wide furnishing zone, 6-ft wide pedestrian through zone, and a 1.5-ft frontage zone.
- SE 100th - Dedicate 4-ft and reconstruct existing substandard sidewalk to a 12-ft corridor consisting of the existing 6-inch curb, 4-ft wide furnishing zone, 6-ft wide pedestrian through zone, and a 1.5-ft frontage zone.

Transportation System Development Charges will be assessed, in accordance with the requirements of Title 17. Driveways and curb cuts will also be reviewed for compliance with Title 17, at the time of building permit submittal. Therefore, Portland Transportation/Development Review has no objection to the approval of the proposed zoning map amendment, subject to the condition discussed above.

Bureau of Water Works (Exhibit E-3)

The Water Bureau stated that they have no objections and indicated that the current system would be adequate to serve the development that could occur under the requested EX designation.

Currently, there is a 1-inch metered service that serves the site from an 8-inch CI water main in SE 96th Avenue. There is another existing service that connects to the property to the south of the site (*Staff Note: Presumably, this refers to the Adventist Academy high school location*). When building permits are requested for future development of the subject site, all service connections must be made to connect directly, without crossing any property lines and suitable water service and meter size must be provided for the proposed development. This can be accomplished at the time of permit review, but may require a main extension in the adjacent right-of-way. With this noted, water service can be made adequate for the development that could occur under the requested designation.

Fire Bureau/Fire Prevention Division (Exhibit E-4)

The Fire Bureau stated that they had no objections and reminded the Applicants that all Fire Code requirements will be applied at the time of development of the site. Any new construction, additions or modification to the site must comply with the current Fire Code.

Police Bureau (Exhibit E-5)

The Police Bureau responded to state that the bureau is capable of serving the proposed use(s) that might be allowed.

Site Development Section of the Bureau of Development Services (BDS) (Exhibit E-6)

The response from the Site Development Section of BDS indicated that there were no objections. When future development of the site is considered, all remaining cesspools must be decommissioned.

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

Findings: The requested zone is not IR. Therefore this criterion is not applicable.

C. When the requested zone is IR, Institutional Residential. In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an

institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

Findings: The requested zone is not IR, Institutional Residential. Therefore this criterion is not applicable.

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

Findings: The site is within the City of Portland. This criterion is met.

DEVELOPMENT STANDARDS

The proposal to amend the Comprehensive Plan Map designation and Zoning Map does not have to meet development standards in order to be approved during this review process. When plans are submitted for a building or zoning permit, the Applicant must demonstrate that all development standards of Title 33 are met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

III. CONCLUSIONS

The Hearings Officer concurs with BDS Staff's conclusions that as conditioned, the proposal "on balance" satisfies the criterion in 33.810.050 for quasi-judicial Comprehensive Plan Map Amendments. For similar reasons, the Hearings Officer agrees with BDS Staff that the proposal meets the approval criterion in 33.855.050 for Base Zone Changes.

IV. RECOMMENDATION

Approval of a Comprehensive Plan Map Amendment, from Central Residential to Central Employment and approval of a Zoning Map Amendment from IRd to EXd, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 11-138415 CP ZC." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. To ensure that future development will not over-burden the downstream sanitary sewer system, it must be shown that one of the following is achieved:
 1. All future development is restricted such that the peak daily sanitary flows coming off of the site to the public system will not exceed 2.5 cfs peak daily flow to the piped system or 3 cfs

peak daily flow to the Cherry Park Pump Station (or numbers updated by BES staff to reflect changes to factors such as the public system itself or modeling assumptions); or

2. The Applicant or owner improves the overall public sanitary system such that available capacity exists for the development. This could include changes such as upsizing downstream pipes or modifying the Cherry Park Pump Station such that it has increased pumping capabilities.
- C. To ensure that future development will not over-burden the localized sewer system immediately adjacent to the site, it must be shown that one of the following is achieved:
1. All development discharges its sanitary flows to the 15” sanitary sewer in 100th (or the largest sanitary sewer available to it at the time), provided all applicable BES and plumbing code standards and requirements can be met; or
 2. BES finds that available capacity exists in the sewer in Main; or
 3. The Applicant or owner improves the local public sanitary system such that the connection point has available capacity, to the satisfaction of BES.
- D. Allowed land uses in the EX zone shall be limited to 998 equivalent PM peak hour trips. Equivalencies shall be applied per those presented in Table 1 below. To ensure the trip cap is not exceeded, Applicant shall submit a written verification at the time of building permit, identifying all site uses, both existing and proposed, and showing a maximum equivalent PM peak hour trip generation of 998 trips.

Table 1. Weekday PM Peak Hour Trip Rates for Trip Cap Comparison

Table 1 – Land Use Trip Conversions				
EX Allowed Land Use	ITE Use Code	Unit	Size	PM Peak Hour Trip Equivalent
Household Living	220	Dwelling	2	1 Trip
Retail	820	SF	300	1 Trip
Office	710	SF	780	1 Trip
Vehicular Repair	942	SF	240	1 Trip
Manufacturing and Production	140	SF	1,560	1 Trip
Warehouse and Freight Movement	150	SF	2,640	1 Trip
Wholesale Sales	860	SF	2,280	1 Trip
Industrial Service	130	SF	1,320	1 Trip
Parks and Open Areas	412	SF	8,760	1 Trip
Schools	530	SF	540	1 Trip
Colleges	540	SF	420	1 Trip
Medical Center	610	SF	780	1 Trip
Religious Institutions	560	SF	1,200	1 Trip
Daycare	565	SF	84	1 Trip

- E. A minimum of 268 of the total 998 PM peak hour motor vehicle trips that are allotted to the site must be reserved for the potential 536 residential units that are required to preserve the minimum residential density for the site. The remaining 730 trips may be allotted to other uses, in accordance with the floor area equivalencies shown in Table 1.
1. Residential units that are created on the site must be preserved for residential use through a 25-year covenant.
 2. If more trips are desired for allocation to nonresidential uses, then an equivalent number of non-required residential units must be created on another site and must be preserved for residential use through a 25-year covenant.



Kenneth D. Helm, Hearings Officer

November 4, 2011

Date

Application Determined Complete:	August 2, 2011
Report to Hearings Officer:	October 7, 2011
Revised Report to Hearings Officer:	October 11, 2011
Recommendation Mailed:	November 4, 2011

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

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "Applicant" includes the Applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

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

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

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

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

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

Recording the final decision.

If this Land Use Review is approved by the City Council, the final decision must be recorded with the Multnomah County Recorder. Once a final decision is issued, the City will mail instructions to the Applicant for recording the documents associated with their final land use decision.

The Applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

If the Zone Change or Comprehensive Plan Map Amendment approval also contains approval of other land use decisions, other than a Conditional Use Master Plan or Impact Mitigation Plan, those approvals expire three years from the date the final decision is rendered, unless a building permit has been issued, or the approved activity has begun.

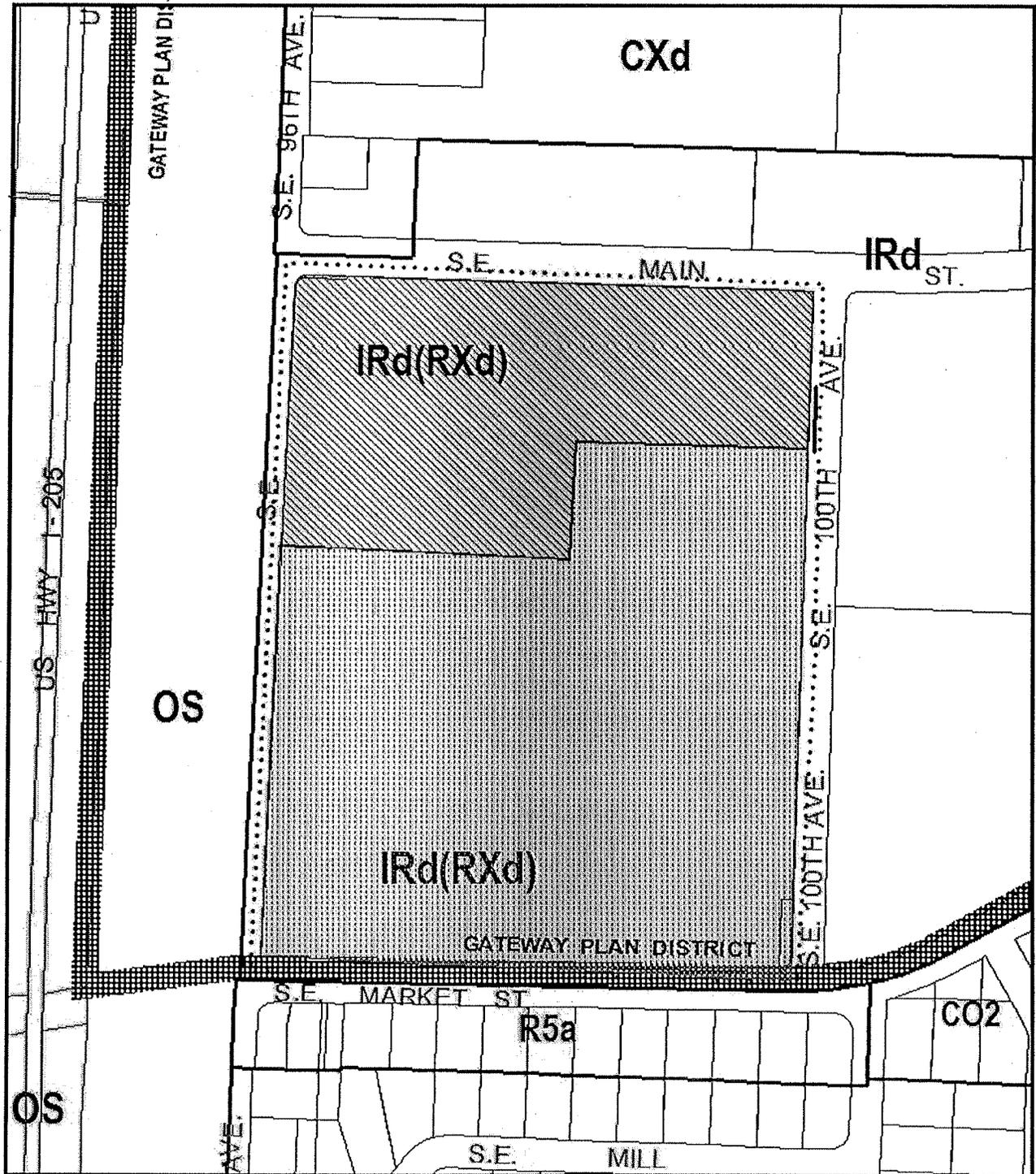
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Application
 - 2. Original narrative and plans (binder)
 - 3. Copy of PLA, received May 25, 2011
 - 4. Addendum, received July 11, 2011
 - 5. Letter from Michael C. Robinson, Perkins Coie, dated July 18, 2011
 - 6. Memo regarding equivalencies for 2.5cfs peak sewer flow
- B. Zoning Map (**attached**)
 - 1. Existing Zoning
 - 2. Proposed Zoning
- C. Plans and Drawings
 - 1. Site Plan
- D. Notification information
 - 1. Request for response
 - 2. Posting letter sent to Applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Second Posting Notice
 - 6. Mailing list for first public notice
 - 7. Mailed copy of first public notice
 - 8. Mailing list for second public notice
 - 9. Mailed copy of second public notice
- E. Agency Responses
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of Bureau of Development Services
 - 7. Summary of electronic responses from City agencies
- F. Letters: (none received)
- G. Other
 - 1. Site History Research
 - 2. Letter from Kathleen Stokes to Ryan Schera, June 17, 2011
 - 3. Pre-application Conference Summary Notes
- H. Received in the Hearings Office
 - 1. Notice of Public Hearing - Stokes, Kathleen
 - 2. Reschedule request - McKinney, Susan
 - 3. Rescheduled Public Hearing Notice - Stokes, Kathleen
 - 4. Staff Report - Stokes, Kathleen
 - 5. Revised Staff Report - Stokes, Kathleen

6. 10/14/11 letter with attachment - Schera, Ryan
 - a. 10/11/11 letter, Brian J. Dun to Kathleen Stokes - Schera, Ryan
7. 10/19/11 letter from Hazelwood NA Land Use Committee - Kimura, Arlene
8. 10/11/11 letter, Brian J. Dun, Group Mackenzie, to Stokes - Stokes, Kathleen
9. Group Mackenzie Preliminary Stormwater Report - Stokes, Kathleen
10. PowerPoint presentation printout - Stokes, Kathleen



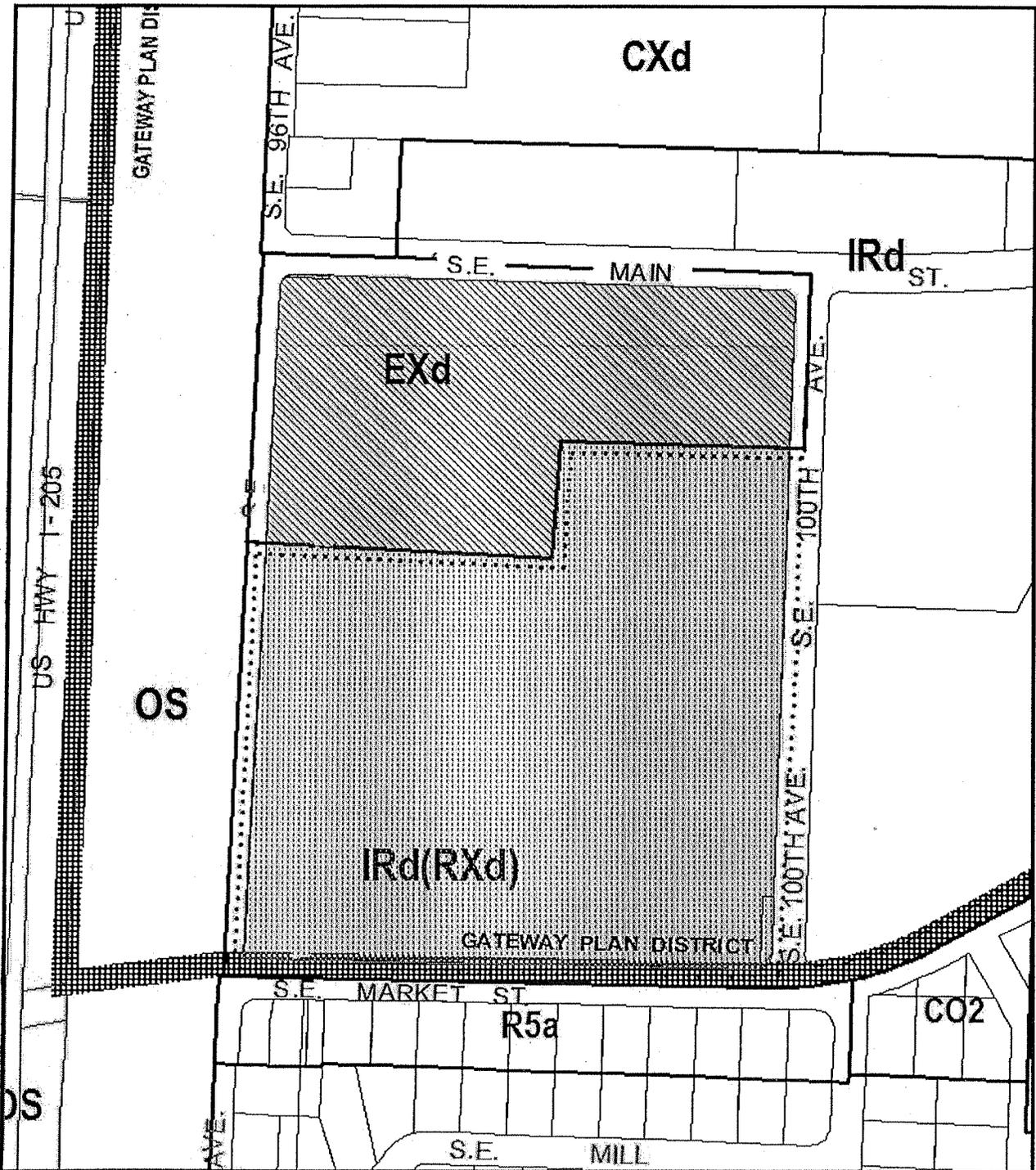
ZONING

-  Site
-  Also Owned



This site lies within the:
 GATEWAY PLAN DISTRICT

File No.	LU 11-138415 CP ZC
1/4 Section	3140
Scale	1 inch = 200 feet
State Id	1S2E04A 2500
Exhibit	B (May 26, 2011)



ZONING PROPOSED



This site lies within the:
 GATEWAY PLAN DISTRICT

-  Site
-  Also Owned

File No.	<u>LU 11-138415 CP,ZC</u>
1/4 Section	<u>3140</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1S2E04A 2500</u>
Exhibit	<u>B (May 26, 2011)</u>